PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

326. By the SPEAKER: Petition of Mr. Jerry Robert Leon, Vacaville, Calif., relative to redress of grievances; to the Committee on Armed Services.

327. Also, petition of the City Council of Chicago, Ill., relative to insurance for all property owners; to the Committee on Banking and Currency.

328. Also, petition of Henry Stoner, Erie, Pa., relative to life tenure for U.S. judges; to the Committee on the Judiciary.

329. Also, petition of Board of Supervisors, county of Butte, Calif., relative to Federal participation in welfare payments to nonresidents; to the Committee on Ways and Means.

SENATE—*Monday, May 27, 1968*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore.

Rev. Moushegh Der Kaloustian, pastor, Armenian Apostolic Holy Trinity Church, Worcester, Mass., offered the following prayer:

Almighty God, in whose power and guidance the destinies of all nations unfold, we thank Thee for Thy blessings richly bestowed on our beloved country, the United States of America—for the priceless gift of freedom, for the abundance of fruits of the earth.

May You confirm in wisdom all those who share the burden of leadership throughout the world. May Thy gifts of counsel and fortitude enhance this great land, which, since its unique establishment as one nation under God, indivisible, has served as a beacon of courage and of hope for the subject masses of the world. Know Ye, O Lord, that those who govern this great country bear ever greater burdens in these troubled times, and grant them the beneficence of Thy presence.

On this day which is so meaningful for Armenian-Americans, we commemorate the independence of Armenia which was to last but a brief moment in history. Grant, O Lord, to the Armenian nation, that ancient citadel of faith and courage, the strength to await the sacred day when mankind will erase the memories of tyranny and will restore to every state of the captive world the God-given right of liberty. We who have crossed the oceans to freedom proudly observe this historic 50th anniversary of the founding of the Armenian Republic in a spirit of pride, thanksgiving, and prayer.

And, O Lord, we humbly beseech You to guide and protect the United States of America and bestow upon its people the gift of Your enlightenment. May Thy word be heard in this hallowed Chamber of democracy, and may the message of freedom exemplified by its deliberations resound throughout the earth. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 24, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 24, 1968, the President had approved and signed the following acts:

S. 528. An act to place in trust status certain lands on the Wind River Indian Reservation in Wyoming;

S. 2531. An act to designate the San Gabriel Wilderness. Angeles National Forest, in the State of California; and

S. 3033. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Noah C. Adkins to be postmaster at Jackson, Ky., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE REVEREND KALOUSTIAN

Mr. BROOKE. Mr. President, it is a great honor for me to welcome to the Senate today the Reverend Father Moushegh Der Kaloustian. Father Kaloustian had an outstanding career as a religious leader and scholar in his native Palestine before coming to this country in 1959. After serving for several years in Racine, Wis., Father Kaloustian has now chosen to settle in Worcester, Mass., where his contribution to his church and to the community at large has been commendable.

Father Kaloustian speaks to us today as a representative of the Armenian people. For over 2,000 years, the freedom-loving people of Armenia have struggled against oppression. First came the conquests of ancient empires, then of neighboring belligerents; now, their land is under Soviet rule.

The crowning achievement of the Armenian people was the establishment of the independent Republic of Armenia on May 28, 1918.

Their Republic was unfortunately short lived. Forced to accept incorporation into the Soviet Union, the courageous Armenian people have nevertheless striven to preserve their national culture against the onslaughts of uniform Communist control. In this continuing struggle, the achievement of national unification and independence a half century ago is both a symbol of Armenian love for freedom and self-determination, and a promise and hope for the future that the Armenian people will eventually join the free and peaceful countries of the world as a fully independent nation.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

THAT OMNIBUS CRIME CONTROL AND SAFE STREETS BILL AS PASSED IN THE SENATE SHOULD BE DRASTICALLY CHANGED IN CONFERENCE OR VETOED BY PRESIDENT JOHNSON

Mr. YOUNG of Ohio. Mr. President, in my judgment, when the so-called Omnibus Crime Control and Safe Streets Act returns to the Senate after the conferees for the House of Representatives have worked it over, its own mother will not recognize it, and I hope I am right in that conclusion.

Because of a previous commitment, I was unable to be in the Senate Chamber last Thursday evening for the final vote on this legislative proposal. Immediately prior to that vote, I was recorded as opposed to the bill, and had I been pres-

ent I would have joined four of my colleagues in casting my vote against it.

The bill does contain some meritorious features in that it provides a watered-down gun-control proposal which places some restrictions on mail-order traffic in firearms other than rifles and shotguns, and some features of the safe streets measure recommended by the President. I favored and do favor enactment of a more stringent gun-control law and so voted when amendments were offered. More important is the fact that it is also one of the most serious attacks in our Nation's history against individual privacy and the concept of due process of law. Under the guise of providing law enforcement assistance, the bill, as passed by the Senate, would overturn recent Supreme Court decisions protecting civil liberties of individual citizens and permit more widespread wiretapping and greater use of electronic eavesdropping devices by law enforcement officials.

Mr. President, I am hopeful that those provisions in titles II and III in the bill passed by the Senate will be eliminated in conference. I hope and believe when the conferees of the House of Representatives are finished with their consideration of this unconstitutional bill that a large majority of Senators supported, these fathers will not know their offspring when consideration is resumed in this Chamber. If not, I shall strongly urge the President to veto this measure which would restrict and gravely endanger the civil liberties and civil rights of all Americans. Those sections of the bill that actually pertain to law enforcement and to gun control could then be enacted into law through a separate legislative proposal.

Mr. President, I made a rather lengthy speech expressing my opposition to sections of this bill on May 13, and at that time stated that if those provisions seeking to override Supreme Court decisions and also provisions permitting wiretapping were not eliminated I could not in good conscience vote for the bill. I was greatly reassured of the soundness of my position when last Thurday I received a letter from a distinguished judge of a U.S. circuit court of appeals, an outstanding jurist and legal scholar for whom I have the greatest respect and hold in high admiration. This jurist wrote me as follows:

I have read with the greatest possible interest your speech in the CONGRESSIONAL RECORD for May 13 which your office forwarded to me.

I am strongly in accord with the views you expressed. It has become the fashion for lazy cops and other enforcement officials to spend more time heaping coals on the Supreme Court than in attempting to perform their duties in a constitutional manner, as more and more honest officials are admitting. Incidentally, I particularly liked your statement that certain punishment must follow commission of a crime "like a shadow."

For obvious reasons I am withholding the name of this Federal judge, but any of my colleagues who wish to do so are free to read his letter.

Mr. President, the bill as passed by the Senate presents a grave threat to the basic principles on which our Nation was founded—to our basic concept of separation of powers, to Federal supremacy, to judicial independence—in short, to our most cherished ideas of justice and the rule of law. A great blow would be struck against individual freedom and liberty were this bill to be enacted into law in the form as passed in the Senate last Thursday.

EFFORTS OF THE ADMINISTRATION TO DEFEAT THE TAX BILL

Mr. WILLIAMS of Delaware. Mr. President, in recent days I have been discussing the backstage lobbying by the Johnson administration to defeat the tax bill calling for the $6 billion expenditure reduction.

In the May 20, 1968, issue of Barron's there appears an article calling attention to the manner in which the White House was mobilizing its liberal followers in Congress to defeat a tax bill calling for $6 billion of cutbacks in fiscal 1969, in lieu of the $4 billion which the Chief Executive considered acceptable and possibly capable of circumvention.

This article points out how heretofore the Johnson administration has been trying to blame the Congress for its delay but that now as a result of "such shabby politicking" Lyndon B. Johnson has destroyed the image of fiscal integrity his underlings had tried to present abroad.

I ask unanimous consent that this article in its entirety be printed in the RECORD, and at the same time I urge the administration to stop its backstage lobbying to defeat this bill and publicly announce its position.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Barron's, May 20, 1968]

U.S. credibility also suffered last week from the conflict between the White House and Congressional leaders regarding economy in federal spending. Treasury and Federal Reserve spokesmen used to pretend to foreign creditors that the executive branch, unlike the legislators, stood for fiscal restraint. Last week, however, the White House mobilized its "liberal" followers in Congress to defeat a tax bill calling for $6 billion of cutbacks in fiscal 1969, in lieu of the $4 billion which the Chief Executive considers acceptable and possibly capable of circumvention. The President's maneuvering thus succeeded in jeopardizing a Congressional majority for the tax increase which he ostensibly advocates. Hence the tax bill will come to a vote only next month, if ever. By such shabby politicking Lyndon B. Johnson has destroyed the image of fiscal integrity his underlings had tried to present abroad, thereby augmenting the distrust with which foreigners eye the U.S. dollar.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Tax Increase, Spending Cut Plan Feared Catastrophic to U.S. Jobs," written by Joseph Young, and published in the Washington Sunday Star of May 19, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Sunday Star, May 19, 1968]

TAX INCREASE, SPENDING CUT PLAN FEARED CATASTROPHIC TO U.S. JOBS

(By Joseph Young)

The tax increase-spending cut bill in its present form would have a "catastrophic" effect on government employment, Civil Service Commission and other government personnel and management officials declare.

An employment cut of more than 500,000 jobs would be a distinct possibility if the present budget-cutting provisions prevail, the officials say.

They also contend that the government would be forced to hire additional contractor-furnished personnel and replace many civilians with military men if the civilian employment ceilings in the bill remain.

The House-Senate conferees report would impose a 2.3 million federal employment ceiling instead of the present 2.6 million ceiling. It provides for agencies to reduce the number of jobs by only filling three out of four vacancies that occur from normal job turnover. Not even the Defense Department or the Post Office Department is exempted.

This is supposed to be a "painless" way of reducing the number of jobs without any adverse effect on present employes.

However, agency officials say that in order to carry out the various programs that they are required to perform under law, they would have to get around the personnel ceilings by hiring contractor-furnished personnel.

Also, in the Defense Department, officials say that in order to carry out the support activities of the Vietnam War, soldiers would have to be assigned to civilian jobs that otherwise would be vacant.

All this would be bad enough. But officials point out that the $6 billion expenditures reduction ordered in the conference report would mean the elimination of at least several hundred thousand additional civilian jobs.

And much of this reduction would have to come from firing present employes, they say.

Administration officials contend that the $6 billion cut can only be made from "controllable" activities which cost about $39 billion.

Based on past "meat ax" budget cuts that government agencies have had to absorb through the years, personnel is the most vulnerable of all activities when it comes to absorbing such cuts.

Services to the public would be curtailed only as a last resort.

Therefore, jobs are eliminated, promotions postponed, travel expenses drastically reduced. Also, work production standards are increased.

Federal officials are worried that some of their brightest young people, many of them college graduates, would be caught in reductions-in-force. This is because they have the least seniority and many of them do not have veterans preference.

This also would play havoc with the government's recruitment program among college students and graduates.

One federal recruiter said, "It's difficult enough as it is for the government to compete with industry in getting the best talent among college graduates. But now it's going to be even tougher, because the college graduates are going to hesitate even more about going into something which offers shaky job security at best."

Mr. WILLIAMS of Delaware. Mr. President, I wish to read two paragraphs from the article to which I have just referred:

The tax increase-spending cut bill in its present form would have a "catastrophic"

effect on government employment, Civil Service Commission and other government personnel and management officials declare.

An employment cut of more than 500,000 jobs would be a distinct possibility if the present budget-cutting provisions prevail, the officials say.

Mr. President, the bill does not provide an employment cut of a half million jobs. They know that. If that were true, then on an $8,000 minimum cost per job there would be a savings of $4 billion on jobs alone out of the $6 billion.

Then the article goes on to state that "much of this reduction would have to come from firing of present employees." That is just not true. No employee would have to be fired. The reduction would be achieved by hiring only one out of each four vacancies.

I suggest that the administration not only stop such backstage lobbying but also read the recent bill entitled "Truth in Lending." I suggest that it is time the administration give us some truth in government.

Mr. President, I next ask unanimous consent to have printed in the RECORD an article "Ease Cutbacks, Agencies Ask," written by Jerry Kluttz, published in the Washington Post, of May 19, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 19, 1968]

EASE CUTBACKS, AGENCIES ASK

(By Jerry Kluttz)

The Congressional job-cut rider threatens an estimated 325,000 Federal jobs and goes much deeper than officials had originally suspected.

Officials are imploring members of Congress to soften the provision in the Senate-House conference report to boost Federal taxes and reduce Government spending. They contend vital public services would be crippled and civilian employe support of the Vietnam war would be hampered if the rider becomes fully effective.

They also argue that agencies would have no choice but to use military personnel to do civilian jobs and to contract out work to private concerns to accomplish missions required of them by law. They say the rider, when fully effective, would threaten these major job cuts:

More than 150,000 jobs in the Defense Department. This is the approximate number of new regular employes hired since July, 1966, by Army, Navy and the Air Force to support the war in Vietnam. More than half of the new civilians replaced military personnel who had civilian-type positions and the military were reassigned to Vietnam and other such strictly military slots.

About 55,000 jobs in the Post Office Department were added since July, 1966, to handle the growing volume of mail.

More than 12,000 jobs in the Department of Health, Education and Welfare which were added since July, 1966, to man Medicare and the broadened Social Security, health, education and welfare programs.

The provision in the conference report would allow Federal agencies to fill only 75 per cent of their regular full-time jobs that are vacated until the overall employment level of June, 1966, is reached.

Budget Director Charles Zwick would be given the unwanted task of allocating vacant jobs among Federal agencies to allow some of them to fill more than 75 percent of their vacant positions and smaller percentages by others.

Officials estimate there are about 245,000 more regular jobs now than there were in June, 1966, when they numbered 2,365,000. The job-cut provision would gradually eliminate a like number of positions.

But a study shows that the number now 2,610,000, is "deflated" by about 30,000, and under agency job ceilings as of June 30 by the same number.

Nearly all of these jobs, officials explain, are accounted for by agency commitments to hire graduates from this year's graduating classes in colleges, universities and high schools.

If agencies carry through on their promises and hire the graduates for full-time jobs, as many of them now plan to do, they will be faced with making offsetting job cuts under the conference report.

Finally, the provision would have the effect of canceling the President's recommendation in his budget for funds to hire an additional 45,000 regular employes. Even if Congress approved funds for all of these jobs—which it won't—offsetting job cuts would would have to be made under the rider. So the gross number of jobs threatened by the conference report is about 325,000.

Only two major agencies, the Justice Department and the National Aeronautics and Space Agency have fewer full-time employes today than they had in June, 1966. They are prepared to argue that the Congressional provision isn't aimed at them and that they should not be forced to make new job cutbacks under it.

There are no agency exemptions to the requirement in the report that one of every four jobs vacated must be abolished. Agencies are seeking to persuade Congress to exempt from the provision jobs vacated by transfer, retirement and the like.

For the Record: A Federal employe by the name of "Robert Bates" signed the Vietnam peace petition, and it has brought "personal embarrassment to Robert B. Bates, an employe of the Civil Service Commission who did not sign.

CSC's Bates wrote his Congressman, Rep. Harvey G. Machen (D-Md.), that had he signed the petition "I would consider myself to be a disgrace to myself, to CSC, and to my country." Machen placed Bates' letter in The Congressional Record.

Bates further said, "It appears to me that the intended effect of this petition is to assist the Communists in taking over South Vietnam. This is an act to which I most certainly would not wish to be a party."

Mr. WILLIAMS of Delaware. Mr. President, the article to which I have just referred is along the same line. Kluttz points out that the agencies are lobbying and stating that cutbacks in their agencies would be disastrous.

Mr. President, I now ask unanimous consent to have printed in the RECORD an article entitled "Showdown on Tax Bill Postponed," published in the Journal of Commerce on May 21, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, May 21, 1968]

SHOWDOWN ON TAX BILL POSTPONED—FLOOR VOTE IN HOUSE NOW NOT ANTICIPATED UNTIL AFTER JUNE 18

(By Stanley Wilson)

WASHINGTON, May 20.—The floor showdown in the House of Representatives on the fiscal restraint bill has been postponed again, reliable informants said today—this time from early June until some point shortly after June 18.

It may be that the House Democratic leadership had the latter date in mind all along when they announced last week that the floor vote on the bill would not take place "before" Memorial Day. However, the press has been interpreting the announcement as meaning the bill would come up for a floor vote "early" in June.

AFTER PRIMARIES END

The reason why the leaders have decided to wait until after June 18 is that, as one source puts it, "to all intents and purposes" the season of primary elections ends on that date with a statewide New York primary. Members of Congress don't want to face those primary contests against aspiring would-be congressmen just after voting for an increase in taxes.

The Senate, where the fiscal package stands a better chance of being ratified than in the House, will postpone a floor vote on it until after the House has made its decision. If the House should reject the bill, it might go back to conference for further changes and perhaps disappear into limbo there. The senators don't want to make the political sacrifice of voting for a tax increase if later House rejection makes it of no avail.

Although only two or three weeks difference would appear to be involved, this small time span is important for several reasons, both to the financial markets and to the international monetary system.

So far as the monetary system is concerned, the extension of uncertainty about the ultimate fate of the tax bill could severely tax the patience of foreign central banks. They are not experts in weighing the intentions of Congress. The current renewal of gold market activity and the uncertainty already engendered about the tax increase has caused dollars to flood into the German and other central banks, straining international monetary cooperation.

However, so long as the French students and workers agitation keeps the franc soft, some pressure is off the dollar. Also, capitol hill sources see the bill extending U.S. ratification of the "paper gold" agreement getting out of the Senate Foreign Relations Committee before Memorial Day. Despite gold producing state senators powerful opposition, they expect that early June will bring final congressional approval of this measure. Such approval will to some extent offset the uncertainty about the fiscal bill.

Largely out of fear of a gold stampede, Ways and Means Chairman Wilbur Mills (D-Ark.) is believed to have made the decision last week to postpone floor action on the tax increase until after the primaries. Informed sources say he now lacks 56 votes of the 218 needed to pass the tax increase. In a public appearance in Edmundson, Okla., over the weekend he said he was not going to bring the bill to the floor until he was sure he had the votes to pass it.

If he is waiting for certainty on the tally that could conceivably imply a delay well beyond June 18, and therefore the delay itself might eventually bring on the very gold rush he is trying to avoid by postponing the vote.

In any event, the effect of the delay merely until the end of the third week in June will pinch financial markets considerably. For they were already expecting severe demands for money at that particular point in time even assuming passage of the tax increase early next month.

On June 15, money market banks will have to roll over large-denomination certificates of deposit in an amount estimated to be at least $3 billion.

On June 19, the Export-Import Bank here had been planning to borrow $500 million in cash. The Treasury Department was expected by the market to come in for $2 billion in new cash late in June. Finally, as June 15 is a corporate tax date and normally banks would supply corporations with around $2 billion in cash at that time to replace cash used in tax payments.

A federal debt management official, informed that the tax increase vote probably would be postponed until June 18, said "Oh, no!"

However, he rallied and pointed out that the Treasury Department's cash position was

such that it could stay out of the market. It also would be able to feed some $3 billion in cash into the market in late June, via Treasury tax anticipation bills maturing June 24 and cashed in by the investors holding them.

Despite this easing of the strain upon the banking system and the money markets, there is still some risk of demand for money pressing so hard upon interest yields in the open market that large amounts of money will be drawn out of banks and thrift institutions. This "disintermediation" would threaten their ability to function.

However, the Federal Reserve Board could compensate for the lack of fiscal action by supplying banks with funds through the discount windows and by buying Treasury bills in the open market.

In about three days the small print of the House and Senate agreement of two weeks ago to cut spending $6 billion and raise taxes by $10 billion will be published in the conference report. Capitol Hill sources notes suspiciously that the report has been curiously slow in emerging. However, when the details are out they are as likely to lose votes for the fiscal package as gain them.

Mr. WILLIAMS of Delaware. Mr. President, I call attention to one paragraph of the article which states:

AFTER PRIMARIES END

The reason why the leaders have decided to wait until after June 18 is that, as one source puts it, "to all intents and purposes" the season of primary elections ends on that date with a statewide New York primary. Members of Congress don't want to face those primary contests against aspiring would-be congressmen just after voting for an increase in taxes.

Mr. President, I most respectfully suggest that any Member of Congress who is worthy of reelection, from either political party, should be man enough to stand up and answer a rollcall on this bill before the primaries as well as after his nomination, and if anyone is too cowardly to face this responsibility he does not deserve nomination or election. That statement goes for candidates in both parties.

It is time for the administration and the Congress to recognize that our country is faced with a serious financial crisis. It is time for Members of both Houses of Congress to stand up and be counted. I appeal again to the administration and to the leaders in the House of Representatives to bring this bill to a showdown vote. Let us get action on it before it is too late. This delay has had a direct effect on increasing interest rates.

Mr. President, to show how desperate the situation is getting I ask unanimous consent to have printed in the RECORD an article entitled "Fannie Mae Gets 6.96 Percent Yield at 'Auction' Indicating Lenders Expect Higher Returns," published in the Wall Street Journal of May 21, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 21, 1968]

FANNIE MAE GETS 6.96 PERCENT YIELD AT "AUCTION," INDICATING LENDERS EXPECT HIGHER RETURNS—YIELDS SPURTED ON TREASURY BILLS AT LATEST AUCTION—AVERAGE RETURN CLIMBED TO RECORD 5.847 PERCENT ON 13-WEEK ISSUE, 5.995 PERCENT ON 26 WEEKS—TIGHT CREDIT SEEN AS CAUSE

WASHINGTON.—Mortgage lenders expect higher interest returns just ahead than they did a week ago, results of the Federal National Mortgage Association's latest weekly "auction" indicate.

The agency agreed to pay an average price of $94.76 per $100 of outstanding balance on mortgages submitted during a 90-day commitment period, down from 95.59 the week before. The price applies to 6¾% interest-rate-ceiling loans that are insured by the Federal Housing Administration or backed by the Veterans Administration, and provides a net yield to Fannie Mae of 6.96%.

The extent to which prices are below face values determines the actual interest yield to the investor in mortgages on the secondary, or resale, market; roughly, Fannie Mae figures its interest return is raised by one-eighth percentage point by each 1 per $100 price discount.

Mr. WILLIAMS of Delaware. Mr. President, the article to which I have just referred points out that the Federal Government paid 5.99 percent on 26-week bills, while the yield to FNMA is as high as 6.96 percent.

Mr. President, I also ask unanimous consent to have printed in the RECORD an article entitled "Indianapolis P. & L. Accepts Cost of 7.067 Percent, Record Rate for Comparable Utility Issues," published in the Wall Street Journal of May 21, 1968.

This is the highest interest rates for a comparable bond in 100 years.

The year 1968 will go down in history as the year of Johnson's high interest rates.

What a record for a man who was a leading critic of the interest rates under the Eisenhower administration when top rates were around 4 percent.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 21, 1968]

INDIANAPOLIS P. & L. ACCEPTS COST OF 7.067 PERCENT RECORD RATE FOR COMPARABLE UTILITY ISSUE

NEW YORK.—Interest rates have soared to the highest levels in history for public utility companies borrowing on bonds to help finance their construction programs.

Mr. WILLIAMS of Delaware. Mr. President, this article refers to a record rate for comparable utilities.

The interest rates now paid by the Federal Government are over 6 percent. The time is long overdue for action on this bill by Congress. To avoid another crisis I appeal for action by Congress before this session adjourns for the Memorial Day holiday.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I call to the attention of the Senator a front-page article published in the Los Angeles Times of Friday, May 24, 1968.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Delaware may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The article is entitled, "Treasury Pays Highest Interest Since Civil War."

The article reads as follows:

The Treasury Department Thursday set the highest rate since the Civil War to borrow money for its operations.

A sale of Treasury securities produced rates above 6% for only the second time in modern history. The previous high in this century came during the tight money period of 1966.

In a reflection of the current period of tightening credit, the Treasury said it was forced to pay an average yield of 6.086% to sell $500 million in bills maturing in nine months. This was up from 5.665% at the April sale.

The fact that the Treasury had to pay such a high rate on tax-free bonds means that businesses and individuals will have to pay even higher interest charges on their borrowing.

The previous high in this century was 6.039% on a Sept. 19, 1966, sale of securities maturing in six months.

Officials said the department paid 7.3% on some of the securities it sold in 1864 and 1865.

Thus, Mr. President, this is another indication of the straits this great country has reached in an economic sense and emphasizes the need for action on the tax bill which has been reported from conference and which, I understand, the House will take up on Wednesday but with a $4 billion limitation on expense cuts. I would hope that if that does not succeed, the conference report, which calls for a $6 billion limitation in expenditures, would be acted on after the Memorial Day layover.

Mr. WILLIAMS of Delaware. I thank the Senator. I join him in emphasizing the importance of prompt action. We have already dillydallied too long.

REPLENISHING IDA

Mr. SPARKMAN. Mr. President, an editorial published in the Washington Evening Star of May 25, 1968, commented quite favorably in support of S. 3378, which provides for participation by the United States in the second replenishment of the International Development Association—IDA.

The developing nations eligible to receive IDA credits contain more than a billion of the population of the free world. The standard of living in these nations is deplorably low. Help where it is most needed can be rendered through IDA to these nations during the next 3 years, if the fund is properly replenished. While these are long term, non-interest-bearing "soft" loans, it is appropriate to remember that all IDA projects receive the same able financial treatment from the International Bank for Reconstruction and Development—the World Bank—as to other or regular loans administered by the Bank.

IDA projects are designed to give a higher standard of living in education, agriculture, transportation and in other ways. No recipient of IDA funds has attempted to divert these funds to other purposes.

IDA loans involve self-help. While they are guaranteed by the borrowing nations, they do not exclude the involvement of private enterprise.

For every dollar furnished by the United States for IDA, the cooperating nations furnish three. The self-help involved in these loans generates local capital. By arrangements with the cooperating nations, the replenishment of

IDA will have no effect on the balance of payments for the next 3 years.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, May 25, 1968]

REPLENISHING IDA

Since becoming President of the World Bank last month, former Defense Secretary Robert S. McNamara has found that one of the institution's chief immediate needs is to replenish the resources of the International Development Association.

The IDA is a vital subsidiary of the 107-nation bank. Its membership is made up of the United States and 18 other economically advanced countries. Since its formation in 1960—on the basis of an idea originating in our Congress—it has been doing an excellent job in promoting the development of very poor nations that cannot afford the bank's conventional "hard" loans in terms of interest rates and periods for repayment.

Some 38 such countries have borrowed about $1.7 billion from IDA since the beginning of its lending operations in 1961. The loans are "soft." The only interest charge on them is a service fee of less than 1 percent a year, and they extend for periods of over half a century. All the projects involved, however, are subject to the same admirably strict standards of appraisal and supervision that mark the bank's "hard" lending.

IDA's problem at the moment is simply this: All its funds are committed to projects already in motion. More money is now needed to get additional programs started in the backward lands. The group has voted that the replenishment should amount to $400 million annually over the next three years, with the American contribution adding up to 40 percent of this total.

Several of IDA's members have already taken action to get fast legislative approval for their continuing contribution to the enterprise. The big question—one that is said to be worrying Mr. McNamara very much—is whether Congress will authorize appropriations to support the annual American share of $160 million, which is indispensable.

Both the House and the Senate, it must be hoped, will act affirmatively. The balance-of-payments problem is not involved. All parties concerned are agreed that none of the American contribution will be used except for purchases in the United States during the three years ending June 30, 1971.

There is this further point: IDA is an instrument essential to the future of the have-not lands now so desperately in need of progress in agriculture, education and transportation. Congress will be performing an enlightened act in voting to grant the funds requested.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDNG OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, May 27, 1968, the President pro tempore signed the enrolled bill (S. 5) to safeguard the economy in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulations of the consumer finance industry; and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution adopted by the City Council of the City of Camden, N.J., remonstrating against adoption of H.R. 14474, liberalizing truck size and weight limits on interstate highways, which was referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with an amendment:

S. 224. A bill to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes (Rept. No. 1147).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 444. A bill to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes (Rept. No. 1150).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 3073. A bill to promote the economic development of the Trust Territory of the Pacific Islands (Rept. No. 1149); and

S. 3207. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (Rept. No. 1151).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 1578. A bill to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs (Rept. No. 1148).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Roy T. Sessums, of Louisiana, to be a member of the Mississippi River Commission.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART:

S. 3546. A bill to authorize a program of demonstration projects in preschool education; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON:

S. 3547. A bill to amend the Hazardous Substance Act to provide safe packaging of toxic household substances in order to protect children; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 3548. A bill for the relief of Mohan Doulatram Asnani and his wife Bina Mohan Asnani; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3549. A bill for the relief of Mr. and Mrs. Frank Ariss, Charlotte (daughter) and Crispin (son); to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 3550. A bill for the relief of Nicholas G. Berryman of Atlanta, Ga.; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3551. A bill to amend section 3146 of title 18, United States Code, in order to provide greater discretion to judicial officers in connection with the release of certain individuals charged with noncapital offenses when their release would pose a danger to other persons or to a community; and

S. 3552. A bill to amend section 3148(1) of title 18, United States Code, in order to authorize the denial of bail to certain individuals who are charged with crimes of violence and who have previously been convicted of similar crimes; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3553. A bill to amend the act of March 29, 1956 (70 Stat. 62), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia (for Mr. MONTOYA):

S.J. Res. 174. Joint resolution proposing an amendment to the Constitution of the United States relating to residence requirements for voting in presidential and vice presidential elections and for the selection of delegates to conventions to consider proposed constitutional amendments; to the Committee on the Judiciary.

(See the remarks of Mr. BYRD of West Virginia when he introduced the above joint resolution, which appear under a separate heading.)

S. 3547—INTRODUCTION OF BILL—SAFE PACKAGING ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, the Safe Packaging Act. This bill will amend the Hazardous Substances Act to enable us to control one of our most pressing medical problems—the accidental poisoning of our children—by prevention through childproof packaging.

Somewhere in the United States at this very moment, a young child is innocently exploring his environment—the universe of sounds, sights, and tastes found right in his own home. In a few minutes he is going to poke into the medicine cabinet, reach into his mother's purse or crawl under the kitchen sink, find and swallow a substance which will poison him—a handful of potent encapsulated drugs, a highly toxic cleanser or furniture polish, or an insecticide.

Unfortunately, this is no freak occurrence. A child swallows a potential poison every 60 seconds, 1,400 times a day, 500,000 times a year. Four hundred children

under the age of 5 die each year as a result of their curiosity, agility, and innocence; and for every child who dies, it is estimated that 10 to 20 are made seriously ill.

Beyond the immeasurable human toll, the pain and suffering exacted by accidental poisoning, is the more tangible economic burden. Recently a young boy who swallowed some lye was hospitalized for 328 days before he died. Total hospital bills were $6,149.85. His medical bills were $698. His funeral probably cost $125. The grand total for one accidental poisoning was $6,972.85. Although this is the exceptional case, 27 percent of all poisoning cases require extended medical care beyond the date of the accident. Many times a child is kept in the hospital overnight for observation. And it is this first day of hospital care that is often the most costly. In addition to this monetary drain, poison victims are occupying scarce hospital space—space which would be freed if these poisonings were prevented instead of treated.

The health and safety of our children is clearly a very pressing business on America's agenda. In his 1966 consumer message, President Johnson condemned the accidental poisoning rate as a "senseless and needless tragedy," and called for steps to bring a halt to this national menace. We responded to his pleas by enacting the amendments to the Hazardous Substances Labeling Act to ban the sale of toys and other children's items containing hazardous substances; to authorize the Secretary of Health, Education, and Welfare to ban the sale of other substances which are so hazardous in nature that they cannot be made suitable for use in or around the household by cautionary labeling; and to extend the coverage of the act to unpackaged hazardous substances intended for household use.

It is time now to review the adequacy of our response to the problem. I am confident that lives have been saved since passage of these amendments. We have been able to keep lethal toys off the market—and out of the hands and mouths of inquisitive children. Our lives are no longer jeopardized by deadly products such as X–33, the highly explosive waterproofing chemical. And yet, the National Safety Council reports that home poisoning deaths from liquid and solid substances increased 6 percent last year—from 1,700 in 1966 to 1,800 in 1967. About one-fourth of these poisoning victims were children under 5.

We have banished the most obviously lethal poisons from American homes. What is it, then, that still threatens the safety and well-being of our children? According to the National Clearinghouse for Poison Control Centers, the five classes of products most frequently involved in accidental poisonings are: aspirin; soaps, detergents and cleaners; vitamins and iron; bleaches; and insecticides. Clearly these are not bizarre or unusual items, but products found in every American home—products of our rapidly advancing technology which promote health and banish housewife drudgery—but products which also create a high risk environment for our youngsters. Products which are indispensable when put to their proper use by knowledgeable adults—but products which can be deadly when they find their way into the hands or the mouth of a child.

It has been estimated that there are 250,000 potentially hazardous household products available today, and that in the average home 45 of these are found, Mr. President, as long as children dwell with adults in an adult environment, we owe them at least minimal protection against those adult products which can be such a menace to their young lives.

Under existing Federal statutes, there are but two avenues of protection open to us:

First: Labeling. Under the Food, Drug, and Cosmetic Act, the Insecticide, Fungicide, and Rodenticide Act; and the Hazardous Substances Act, we can require that potentially hazardous products bear cautionary labeling and adequate directions for use. However, one class of potentially hazardous substances escapes even this limited labeling authority. Cosmetic labels need not contain warning statements or instructions for first aid in case of accidental ingestion, even though certain cosmetics have some ingredients identical with those found in other household products whose labels must bear this information. Cosmetics do not now have to carry even a statement of hazardous ingredients.

Second. Banning. Under the amended Hazardous Substances Act, we can prohibit the sale in interstate commerce of dangerous children's items and other substances so hazardous that labeling cannot make them safe for household use.

Neither of these two approaches provides a satisfactory solution for the problem of accidental poisoning by common household products. Labeling, where required, serves to instruct as to proper use, to warn against possible misuse, and to give antidotes for treatment in case of misuse. A label can alert adults to potential dangers lurking within harmless looking packages—but even the most vigilant parent cannot keep a 24-hour watch over his offspring. And to a child who has momentarily eluded the watchful eye, a label is meaningless as a danger signal, especially if the package itself is attractive, brightly colored and easy to open.

As it has become increasingly clear that label warnings are not always adequate to provide the necessary protection, especially of our young children, we have come to rely for our safety upon totally prohibiting certain extremely hazardous products. But in dealing with common household substances, this approach is clearly unacceptable.

The bill which I am introducing is based on the firm conviction that accidental poisonings of children can be prevented without harsh and repressive marketing controls. Our packaging technology is so advanced and sophisticated that we can, at minimal cost, build in poison-control through child-resistant packaging, specially engineered and designed to prevent the accidental poisoning of our youngsters. Such safety packages have been developed and are on the market today, economically mass produced for commercial use. This legislation would simply require that the manufacturers and vendors of poisons take advantage of available safe-packaging technology.

The effectiveness of this approach has recently been demonstrated. One type of child-resistant device has been tested in Canada over a one and a half year period with startling results: accidental poisonings from substances dispensed in the container were drastically reduced from 2,000 a year to three. The same startling results were achieved at Madigan General Hospital in Washington State, where accidental childhood poisonings have been slashed from 30 a month to two. One chain of drugstores recently announced that it is now using this particular safety container for dispensing all prescription drugs—at no extra cost to their customers.

How many unnecessary poisonings—unnecessary childhood deaths—could be prevented merely by applying our present knowledge of safety packaging? Instead, a visit to any supermarket will reveal row after row of attractively packaged, elaborate bottles whose bright colors lure the curious toddler. Flimsy screw type caps, snap-on, pop-off, convenient easy-open closures are the only barrier to ingestion—and these offer little resistance to a determined explorer. It makes no more sense to allow these unsafe containers in the home than to leave a loaded gun lying within reach of a child. By today's safety standards, these closures and packages are obsolete; and the time to remedy this defect is now.

The Safe Packaging Act would amend the Hazardous Substances Act to require the safe packaging of toxic household substances to protect the health and safety of children. It would authorize the Secretary of Health, Education, and Welfare to identify those substances consumed or used by individuals for purposes of personal care or in the performance of functions ordinarily carried out in the household which are potentially hazardous to children, whether or not such products are intended for use by children. The Secretary is further authorized to establish, after full opportunity for hearing, minimum standards for the packaging of these toxic household substances, designed to eliminate or substantially reduce the threat of accidental poisoning to children.

In identifying the categories of toxics and in determining the packaging standards, the Secretary is directed to consult with appropriate private and public groups and to draw upon the services, research and testing facilities of competent public and private agencies to the maximum extent possible in order to avoid duplication of effort. Invaluable work in accidental child poisonings and their prevention has been performed by various governmental groups, such as the National Clearinghouse for Poison Control Centers of the Public Health Service, the FDA Subcommittee on Safety Closures; by professional groups such as the Proprietary Association, the American Pharmaceutical Association, and the American Medical Association; by private industry groups, especially chemical and pharmaceutical corporations; by universities and by private research and

safety organizations, such as the National Safety Council and the Council on Family Health. It is expected that the Secretary will cooperate with these groups, which are the repository for the vast amount of knowledge presently available and which offer great potential for future developments in this area.

Many dollars and much time and effort have been expended for educational programs designed to alert parents to the hidden dangers of apparently innocuous but sometimes deadly poisonous household substances. This bill would not eliminate the very real need for education—of pharmacists, of manufacturers, but especially of parents, for no safety packaging of any type or design can eliminate the need for parental vigilance. Nor will this weaken the case for increased support to the poison control centers throughout the country. For the element of human error can never be legislated out of existence. And so long as it exists, children will be poisoned and these centers will serve a vital function in the prevention and treatment of serious injury following accidental ingestion. But safety packaging can let us open a second front in the war against the most common medical emergency among children—a second front not available so long as toxic substances are dispensed in obsolete, unsafe, easily opened containers or packages.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks, along with excerpts from several letters from authorities in the safety packaging field, responding to my request for information about developments in this area.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letters will be printed in the RECORD.

The bill (S. 3547) to amend the Hazardous Substances Act to provide safe packaging of toxic household substances in order to protect children, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hazardous Substances Act (15 U.S.C. 1261–1273) is amended by inserting—

"TITLE I—MISBRANDED AND BANNED HAZARDOUS SUBSTANCES"

immediately above the heading of section 1, by striking out "this Act" wherever it appears in such Act (other than in section 1) and inserting in lieu thereof "this title", by renumbering sections 1 through 18 and references thereto as sections 101 through 118, respectively, and by adding at the end thereof the following new title:

"TITLE II—PACKAGING OF TOXIC HOUSEHOLD SUBSTANCES

"SEC. 201. This title may be cited as the 'Safe Packaging Act.'

"PROHIBITION

"SEC. 202. (a) It shall be unlawful for any person engaged in the packaging of any toxic household substance (as defined in this title) for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged toxic household substance, to distribute or to cause to be distributed in commerce any such substance if such substance is contained in a package which does not conform to the standards established pursuant to this title.

"(b) The prohibition contained in this subsection shall not apply to persons engaged in business as wholesale or retail distributors of toxic household substances except to the extent that such persons (1) are engaged in the packaging or labeling of such substances, or (2) determine by any means the nature, form, or content of packages in which such substances are contained.

"REGULATIONS

"SEC. 203. (a) It shall be the duty of the Secretary, by regulation, to set forth the identity of each substance or mixture of substances distributed in commerce which is a toxic household substance.

"(b) As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations establishing standards for the packaging of any toxic household substance, or any class or kind of such substances, designed to prevent or substantially reduce the hazard of serious personal injury or illness to children reasonably likely to handle, use or ingest any such substance.

"(c) The provisions of sections 551 through 559, 701 through 706, 3105, 3344, 5362, and 7521 of title 5 of the United States Code shall apply to all regulations promulgated under this title.

"(d) Regulations promulgated under this title shall specify an effective date for the packaging of each class or kind of toxic household substance which shall not be sooner than 180 days or later than one year from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

"(e) The Secretary may promulgate regulations amending or revoking any standard for the packaging of toxic household substances established under this title upon his own initiative or upon application made by any person affected by that regulation, whenever the Secretary determines that such modification is necessary to conform to the requirements of this title or to any change occurring in the method of packaging of any toxic household substance.

"(f) In promulgating regulations under this section, the Secretary shall—

"(1) consult with Federal Trade Commission with respect to the packaging of any toxic household substance that is not a food, drug, device, or cosmetic as each such term is defined by section 201 of the Federal Food, Drug, and Cosmetic Act, and, upon request, with the Special Assistant to the President for Consumer Affairs with respect to the packaging of any such substance;

"(2) publish in the Federal Register reasonable advance notice of his intention (A) to declare a substance a toxic household substance or (B) to establish any such proposed standards;

"(3) accord to persons who could be affected thereby reasonable opportunity to be heard with respect to any such declaration or proposed standard; and

"(4) consult with such other business concerns, consumer organizations and public agencies as he deems appropriate.

"FURNISHING SAMPLE PACKAGES

"SEC. 204. Upon written request made, by the officer or employee designated by the Secretary for the purposes of this title to establish packaging standards as to any toxic household substance of any class or kind, to any producer or distributor thereof, such producer or distributor shall transmit promptly to that officer or agency a true and correct sample of each package used or to be used by that producer or distributor for or in connection with the distribution in commerce of any particularly described toxic household substance of that class or kind. Any person who, with intent to evade compliance with the requirement of this section fails to transmit any such sample to such authority promptly upon receipt of such request shall be fined not more than $1,000, or imprisoned not more than one year, or both.

"ENFORCEMENT

"SEC. 205. (a) The distribution in commerce or the causing to be distributed in commerce of any toxic household substance in violation of any of the provisions of this title or the regulations promulgated pursuant to this title, shall constitute a violation of section 301 of the Federal Food, Drug, and Cosmetic Act and shall be subject to enforcement under the provisions of sections 302, 303, 305, 306, and 307 of such Act.

"(b) In the case of any imports into the United States of any toxic household substance covered by this title, the provisions of section 203 of this title shall be enforced by the Secretary of the Treasury pursuant to section 801 (a) and (b) of the Federal Food, Drug, and Cosmetic Act.

"ADMINISTRATION

"SEC. 206. (a) The Secretary, in exercising the authority under this title, shall utilize the services, research, and testing facilities of public and competent private agencies to the maximum extent practicable in order to avoid duplication in such facilities and services.

"(b) A copy of each regulation promulgated under this title shall be transmitted promptly to the Director of the National Bureau of Standards, who shall (1) transmit copies thereof to all appropriate State officers and agencies, and (2) furnish to such State officers and agencies information and assistance to promote to the greatest practicable extent uniformity in State and Federal standards for the packaging of toxic household substances. Nothing contained in this subsection shall be construed to impair or otherwise interfere with any program carried into effect by the Secretary of Health, Education, and Welfare under other provisions of law in cooperation with State governments or agencies, instrumentalities, or political subdivisions thereof.

"REPORTS TO THE CONGRESS

"SEC. 207. The Secretary shall transmit to the Congress in January of each year a report containing a full and complete report on the administration and enforcement of this title during the preceding fiscal year.

"DEFINITIONS

"SEC. 208. As used in this title—

"(1) The term 'toxic household substance' means any substance or mixture of substances which (A) is toxic and (B) is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household if such substance or mixture of substances may reasonably cause serious personal injury or serious illness to children. Such term includes any substance which the Secretary by regulation finds, pursuant to the provisions of such section 203, meets the requirements of this paragraph, and such term includes any substance whether or not regulated as to packaging or labeling by other provisions of Federal law. Such term does not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954 and regulations issued pursuant thereto by the Atomic Energy Commission.

"(2) The term 'toxic' means, with respect to household substances, any such substance which has the capacity to produce personal injury or illness to a child through ingestation, inhalation, or absorption through any body surface.

"(3) The term 'package' means any container or wrapping in which any toxic household substance is enclosed for consumption or use by individuals for purposes of personal care or the performance of services ordinarily rendered within the household, but does not include—

"(A) shipping containers or wrappings used solely for the transportation of any consumer commodity in full or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

"(B) shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers.

"(4) The term 'commerce' means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof, and (2) commerce within the District of Columbia or within any territory or possession of the United States not organized with a legislative body, but shall not include exports to foreign countries.

"(5) The term 'person' includes any firm, corporation, or association.

"(6) The term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE

SEC. 2. The amendment made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

The letters presented by Mr. MAGNUSON are as follows:

THE ONTARIO ASSOCIATION FOR THE CONTROL OF ACCIDENTAL POISONING,
Windsor, Ontario, May 3, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

SIR: In reply to your letter of April 8th, I am enclosing data and correspondence pertinent to our work with safety closures in Essex County, in Ontario, and in Canada.

We are more than gratified with the phenomenal success achieved in the prevention of drug poisonings from solid medications. These have been completely wiped out in our area. The only remaining poisonings are due to liquid medications (20%), old prescriptions, drugs from outside Essex County, and prepackaged items such as oral contraceptives sold in unsafe containers; otherwise the problem is almost licked. . . .

Our chief concern at the present time are aspirin tablets and household products. These are responsible for 29% and 50% respectively of our childhood accidents. To date we have had little success persuading the manufacturers to make their containers child-proof. For instance, fatalities or severe poisonings from lemon oil furniture polish or from lye are not uncommon, yet despite constant prodding of the manufacturers these people have done nothing to make their products safe for the home.

Further, I have even been taken to task by a large bottle manufacturer in Toronto for advocating safety closures and safety features in their containers: "all this is unnecessary" I have been told.

As you know the Canadian Government Specifications Board has set up a Committee on safety closures. We met in Ottawa last November 1967; perhaps before long we will have specific recommendations on safety closures for all products. This will no doubt be acted upon by the Department of National Health and Welfare as you can read in the enclosed copy of the House of Commons debates for October 31, 1967.

In my opinion, it will take Government Legislation to bring about safety packaging for all drugs, chemicals or any potentially hazardous product in or about the home. As long as children dwell with adults in an adult environment, we owe them protection against adult products which can be such a menace to these young lives. Since the manufacturers have failed to do this, I would heartily endorse Government intervention to bring this about.

Yours sincerely,

HENRI J. BREAULT, M.D.,
President and Medical Director, Ontario Association for the Control of Accidental Poisoning, Medical Director, Windsor Poison Control Center.

DEPARTMENT OF THE ARMY,
MADIGAN GENERAL HOSPITAL,
Tacoma, Wash., April 16, 1968.

Re: Childhood poisonings.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: We are completing a one year's experience using safety containers. . . .

In summary, we have dispensed about 270,000 prescription tablets and capsules in these containers in the Fort Lewis-McChord area. To date, only two children have purposely opened the containers, taken medication, and required care. Case 1. A 4 year old girl was unconsciously trained by watching her mother open the container over a two week period. Case 2. A 7 year old boy, a confirmed aspirin eater, read the directions, opened the container, ate a few children's aspirin, and to divert blame, he then fed most of the contents to his two year old brother. There have been three additional non-fatal ingestions from medications dispensed in the "safety" containers.

1. Mother dumped a few tablets into her purse for convenience and a year old child ate one.

2. A two year old child used a container of pills as a rattle. By random motion, the container opened. Ingestion was suspected but not verified.

3. A two year old climbed to a top shelf in the kitchen and took ? tablets from a container. The mother had left the top off.

In other words, there has been a marked decrease in ingestions and subsequently morbidity and hospitalization since we have been using safety containers.

On the other hand, aspirin ingestions continue to be a problem. To combat this, we have been able to convince the Post Exchange outlets in the Puget Sound Area, that they have a responsibility to help control childhood poisonings. In a survey covering the period 1 January 1967–31 December 1967, we determined that for each 191 children's 1¼ grain aspirin bottles sold in the local PX system, we could expect one poisoning (a total of 68 in 1967). Since February 6, 1968 (the day the PX started selling child resistant containers scotch taped to each bottle of children's aspirin), we have not had a single poisoning from children's aspirin sold from the PX where the parent had transferred the aspirin to the attached safety container from the original unsafe one. This project will continue indefinitely. However, it may take about 10 more months to develop a truly meaningful experience.

Certainly drugs are not the only toxic agents that are sold in unsafe containers. In the annual report from the Mountain View General Hospital Poison Control Center in Pierce County, household products, petroleum products, insecticides, rodenticides, and cosmetics accounted for 1,124 calls of a total of 3,254. Medicines of all kinds accounted for 1,145 calls.

This is a common experience. Most calls for childhood ingestions involve products sold or dispensed in containers easily opened by inquisitive children.

In my opinion, all consumer drugs, household products, petroleum products, insecticides, rodenticides, and other substances that might reasonably be expected to come in the proximity of a small child, should be dispensed in a *safe* container. That is, if the total amount of the product in question sold or dispensed in a container might be toxic to a child, then that container should satisfy at least the following criteria.

BASIC REQUIREMENTS FOR A CHILD RESISTANT CONTAINER

1. Must resist attempts to open by infants and children through age 4 years.

2. Must resist the teeth of children up to 5 years.

3. Must be opened and closed quickly and easily by adults, including most elderly patients.

4. Must come in varying sizes to approximate containers in current use.

5. Must cost about the same as standard containers.

6. Must be durable for the life of the product sold or dispensed.

7. Must be moisture proof (for non-liquids).

8. Must be water proof (for liquids).

I believe that the medical and pharmaceutical associations, through action encouraged by appeals to reinforce the goals of their professions (the treating and prevention of disease) can, in a relatively short period of time, develop widespread use of child resistant containers to dispense prescription items. However, prescription items account for only about ⅓ of ingestions due to medications that came to Madigan for care in 1966–67. Most medications that cause trouble, are sold over the counter. I suppose the pharmacist could refuse to sell them. However, the lethargy for safe packaging seems to be at the manufacturers level. I doubt that the pharmacists would ever refuse to sell products in safe containers that are competitive in price and quality with what he now sells, if the safe containers are in turn acceptable to his customers. Whether or not the manufacturers in general would voluntarily respond to suggestions to develop and *use* safe containers, I don't know. Perhaps legislation is the best way to approach this group.

I do know that we will continue to have many thousands of children poisoned in the U.S. yearly until safe containers are widely used to dispense toxic products to the consumer.

Please let me know if I can be of further help. I will send a summary of our year's experience at Madigan to you in early May 1968.

Sincerely,

Lt.-Col. ROBERT G. SCHERZ,
Chief, Pediatric Service.

THE CHILDREN'S ORTHOPEDIC HOSPITAL AND MEDICAL CENTER,
Seattle, Wash., April 25, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: In response to your letter of April 8th, regarding death and injuries from accidental poisoning, I first of all want to express my gratitude and admiration for your continuing efforts on behalf of consumer safety, particularly that of young children. This constitutes a significant contribution to the health of the American people.

You are quite right in saying that many of our preventive measures in the field of accidental poisoning have been somewhat less than effective. That is an understatement. This is why modification of drug containers seems so attractive to us. Since August 1, 1967, the pharmacy at Children's Orthopedic Hospital and Medical Center has dispensed all prescriptions, capsules and tablets in a "child-resistant container". The pharmacy at University Hospital in Seattle has done likewise. We selected this particular container upon reviewing the spectacular experience of Lieut. Col. Robert Scherz at Madigan General Hospital in Tacoma. We

have since dispensed thousands of prescriptions in these containers and are exceedingly pleased with the program. We are not aware of any child accidentally poisoning himself from drugs dispensed in these containers. Another reason that the container was selected was its availability and price. It is competitive in price with other containers that we were using. Bulk supplies in our pharmacy can readily be transferred to these containers. . . .

You are quite right in assuming that poisoning from common household substances might be even more severe a problem than from prescription drugs. Lye, furniture polish and electric dishwater powders are particular culprits. Is there any reason why these products cannot be packaged in child resistant containers? It is disappointing that industry apparently shows so little regard for this problem. . . .

Again, my thanks for your interest and efforts in this field. Please let me know if I can be of any assistance.

Sincerely,

ABRAHAM B. BERGMAN, M.D.,
Director of Outpatient Services, Associate Professor of Pediatrics and Preventive Medicine, University of Washington.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., April 22, 1968.

Hon. WARREN G. MAGNUSON,
Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Regarding your letter of 8 April, 1968, concerning accidental poisonings, ingestions of household products, and the potential for child-resistant containers in this field, I would offer the following comments.

As you had indicated in your letter, Colonel Robert Scherz and his colleagues at Madigan General Hospital in Tacoma initiated, completed, and published a study on the potential of a child-resistant container to dissuade a child from "accidentally" poisoning himself. The results were phenomenally successful. Colonel Scherz and his colleagues continue today to assess this particular device. Because of the unique opportunity to "count noses" via the station pharmacies, they have been able to trace down the outcome of, I believe, more than 200,000 prescription dispensions using this particular container. To date, as far as I know, only one instance of an accidental ingestion has occurred regarding the contents of any of these prescriptions. . . .

In the neighborhood of 35 to 50 per cent of accidental poisonings result from the ingestion of common household products. Deterrents such as child-resistant containers theoretically should curtail drastically such accidents. In the instance of drugs, per se, the aforementioned container—as well as strip packaging—not simply made to dissuade the child, but more emphatically to remind the parent of the risks inherent in the drug situation, causing him (or her) to adopt a positive educational approach rather than simply a negative restrictive approach. I would certainly encourage industry—for example furniture polish manufacturers in particular—to consider the wisdom of their ways. One specific product comes in a tall, particularly attractive red tinted bottle. The ability of the young child to distinguish a non-food item from a food item probably is very limited. In this instance, perhaps, an opaque plastic container might serve as an adequate deterrent to inquisitive fingers. Therefore, I encourage you and your Committee to urge still more action on behalf of industry in accepting a "public responsibility" in their endeavors. . . .

Finally, I would urge that you and your Committee might review the functions of poison control information centers across the country. The one here in Seattle at the Children's Orthopedic Hospital and Medical Center for instance, answers more than 1,000 telephone inquiries every month concerning "accidental ingestions." The trouble is that on-going support of such endeavors is limited at best. I am of the strong opinion that a more effective and efficient support mechanism—not robbing Peter to pay Paul—could be developed to the benefit of all concerned.

I hope the above comments serve the purpose for which you intend them. If you desire any further information, please do not hesitate to let me know.

Sincerely,

WILLIAM O. ROBERTSON, M.D.,
Associate Dean.

SENATE JOINT RESOLUTION 174—INTRODUCTION OF JOINT RESOLUTION, A PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO RESIDENCE REQUIREMENTS FOR VOTING IN PRESIDENTIAL AND VICE PRESIDENTIAL ELECTIONS AND FOR PROPOSED CONSTITUTIONAL AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted, in behalf of the distinguished junior Senator from New Mexico [Mr. MONTOYA], to introduce today, for the consideration of the Congress, a proposed constitutional amendment. Senator MONTOYA proposes an amendment to the Constitution of the United States relating to residence requirements for voting in presidential and vice-presidential elections and for the selection of delegates at conventions to consider constitutional amendments.

I also ask unanimous consent that I may present a statement to appear in the RECORD, on behalf of Senator MONTOYA, together with a copy of the joint resolution.

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred; and without objection, the statement and joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 174) proposing an amendment to the Constitution of the United States relating to residence requirements for voting in presidential and vice-presidential elections and for the selection of delegates to conventions to consider proposed constitutional amendments, introduced by Mr. BYRD of West Virginia, for Mr. MONTOYA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 174

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except as otherwise provided by this article, the right of any citizen of the United States to vote in any election for electors for President or Vice President or for the election of delegates to a convention within any State to consider any amendment to this Constitution proposed by the Congress shall not be denied or abridged by any State by reason of the failure of such citizen to meet any residence requirement of such State if such citizen is otherwise qualified to vote in such election in such State.

"SEC. 2. The right to register as qualified voters for the elections defined in Section 1 shall not be denied or abridged by any State, except that no State shall be required to accept applications for registration within 30 days of an election defined in section 1.

"SEC. 3. The Congress shall have the power to enforce this article by appropriate legislation.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress. If so ratified within that period, this article shall take effect on the date of such ratification, or January 1, 1969, whichever date is later."

The statement presented by Mr. BYRD of West Virginia, for Mr. MONTOYA, is as follows:

STATEMENT BY SENATOR MONTOYA

Mr. MONTOYA. Mr. President, I introduce today, for the consideration of this Congress, a proposed constitutional amendment long overdue and long overlooked.

Mr. President, because of State residency requirements which must be met in order for a Citizen of the United States to be eligible to vote, in the coming presidential election as many as 16 million persons may be disenfranchised. This is incredible! But the statement is supported by data from a recently completed Gallup poll and by a report from the Bureau of the Census.

As many as 35 States require the individual voter registrant to have maintained residence within the State for up to one year in order to be considered as an eligible voter.

My Resolution provides that the Citizens of this Country be given the opportunity to amend the Federal Constitution so that every otherwise qualified voter will be able to cast his ballot in National elections for the Office of the President and that of the Vice President. It will also permit these persons to vote in future determinations to consider Federal Constitutional Amendments. The favorable consideration of the Constitutional Amendment I am introducing today will correct the gross injustice which now exists. The proposed amendment will have no effect on the right to vote for any other candidate for any other office, local, State, or National, nor on any other proposition other than Federal Constitutional Amendments.

The individual states have every right—and should continue to maintain that right—to set reasonable residency requirements for voter eligibility in elections on all matters of primarily state and/or local significance. However, anything that might be said about the rights and duties of states to establish voter eligibility requirements with reference to elections affecting strictly State and local matters, does not apply when we speak of elections for President, Vice President, Constitutional Amendments, or any other matters which are inherent to American Citizenship. No citizen, otherwise qualified to vote, should be deprived of his vote for the two High Offices of this Nation, or on matters pertaining to the Federal Constitution, simply because of residency within a State. True, we are each Citizen of a State, but we are first each a citizen of the United States.

I ask your support and favorable consideration of my Resolution to start on its way this Constitutional Amendment. Let us initiate corrective action to overcome this unjust cause of disenfranchisement.

Mr. President, I would welcome and invite all of our colleagues to join me as sponsors of this legislation.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the junior Senator from Connecticut [Mr. RIBICOFF] I ask unanimous consent that, at its next printing the name of the junior Senator from Virginia [Mr. SPONG] be added as a cosponsor of the bill (S. 2116) to establish a commission to study the organization and management of the executive branch of the Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Michigan [Mr. HART] I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 3394) to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting persons for induction into the Armed Forces under such act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Massachusetts [Mr. KENNEDY] be added as a cosponsor of the resolution (S. Res. 263) expressing the sense of the Senate that all necessary steps be taken to conclude an international agreement on peaceful exploration and exploitation of ocean space.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, on behalf of the Senator from Michigan [Mr. GRIFFIN] I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Utah [Mr. Moss] be added as a cosponsor of the resolution (S. Res. 293) requesting the President to take all necessary measures to bring before the United Nations a resolution providing for the convening of an international conference to achieve a nonproliferation treaty on conventional armaments for the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968—AMENDMENT

AMENDMENT NO. 831

Mr. PEARSON submitted an amendment, intended to be proposed by him, to the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 27, 1968, he presented to the President of the United States the enrolled bill (S. 5) to safeguard the economy in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulations of the consumer finance industry; and for other purposes.

NOTICE OF HEARINGS ON THE JUDICIAL REFORM ACT (S. 3055, S. 3060, S. 3061, AND S. 3062)

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce that hearings before that subcommittee on S. 3055, S. 3060, S. 3061, and S. 3062, the Judicial Reform Act and other measures to improve the administration of the courts of the United States, will continue at 10 a.m. Thursday, June 6, 1968, in the District of Columbia Committee hearing room, 6226 New Senate Office Building.

RESCHEDULING OF HEARING ON NOMINATION OF EDWIN M. ZIMMERMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that the public hearing originally scheduled for Wednesday, May 22, 1968, on the nomination of Edwin M. Zimmerman, of California, to be an assistant attorney general, vice Donald Frank Turner, has been rescheduled for Wednesday, May 29, 1968, at 10:30 a.m., in room 2228 New Senate Office Building.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

William H. Crook, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Robert F. Wagner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, vice Frank E. McKinney.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

PRESIDENT JOHNSON—AN ENDURING LIBERAL

Mr. WILLIAMS of New Jersey. Mr. President, last Saturday, President Johnson went to Atlantic City to address the International Ladies' Garment Workers Union. In his speech, the President reviewed the long and continuing struggle for social justice in which he and the ILGWU have worked arm-in-arm, so effectively.

Reaching back more than 30 years into the past, the President pointed to the first minimum wage law as one of the earliest legislative victories for progressive liberalism. In more recent times, he recalled the historic civil rights legislation, humane immigration laws, consumer protection legislation, giant strides forward in education, a new era in conservation, and the enactment of medicare—these, plus the defense of freedom around the globe.

Proving that he is not content merely to rest upon his laurels, the President ended with this statement:

If I could have one hope today, it would be this: That whoever may be President, wherever he may reside, whatever party he may belong to, he will look at the social record of the last five years and say, "We have just begun."

The President richly deserved the hour-long ovation which he received.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT BEFORE THE INTERNATIONAL LADIES' GARMENT WORKERS UNION, ATLANTIC CITY, N.J.

Thank you very much.

Governor Hughes, President Stulberg, Dave Dubinsky, Louigi Antonini, Ladies and Gentlemen: Mr. Stulberg, I had to come here today because through all of my trials and tribulations—and the problems and burdens—that go with the office I hold, you and your Union have stood by my side in day and night, in sunshine and in sorrow.

If you could stay with me during what we have gone through the last few months, you can stay with these folks all through the years until we win what we are after.

I told Dave Dubinsky, I said, I am glad to be here today with all of my friends of the Old Left.

Some of us can remember the good old days when we were the New Left back there more than 30 years ago when I was first captured by some of your leaders and enlisted in a great cause. I was an up and coming Young Liberal from the South.

Three from my State followed the recommendations of the leadership of this Union. They were such radical recommendations that two of those three were defeated. I survived.

Some of your leadership got Mr. Roosevelt, who was then President, to send a message to the Congress on May 24, 1937. That message arrived at the House of Representatives just about the time I arrived as a young Member.

Among the things the President said in that message are as follows:

"Mr. Justice Brandeis, Mr. Justice Clark, and Mr. Justice McKenna agreed with Mr. Justice Holmes. A majority of the Supreme Court, however, decided five to four against Mr. Justice Holmes and laid down a rule of Constitutional law which has ever since driven into impractical distinctions and subterfuges all attempts to assert the fundamental power of a national government over interstate commerce. But although Mr. Justice Holmes spoke for a minority of the Supreme Court, he spoke for a majority of the American people."

Upon that message, the Congress enacted into law—I will just read a part of Section VI—that radical provision of other years:

"Every employer shall pay to each of his employees who is engaged in commerce or in

the production of goods for commerce wages at the following rates:

"One, during the first year from the effective date of this Section not less than 25 cents an hour;

"Two, during the next six years from such date not less than 30 cents an hour;

"And, three, after the expiration of seven—should I say long—years from such date, not less than 40 cents an hour, or the rate not less than 30 cents an hour prescribed in the applicable order of the administrator issued under Section VIII, whichever is lower. This section shall take effect upon the expiration of 120 days from the enactment of this Act.

"No employer shall, except as otherwise provided, employ any of his employees in commerce or the production of goods for commerce for a work week longer than 44 hours" and so on and so forth.

You did not require that law to protect your people. Your thinking had been more advanced. But you required that law to protect all the working people of the United States. That is what has been so wonderful about your Union. You haven't just tried to look after yourself—you have tried to look after all of us.

But times have changed. Today, we hear something about new politics and "participatory democracy."

So I have come here to participate with you—the very model in my judgment of the Old and the New Democracy.

Whenever I hear talk about new alignments and the New Liberalism, I think of my old friend, the ILGWU. You have always had your slogans, too. You were the prophets of liberalism. You preached and you practiced your faith.

Politics—politics, Thank goodness—has long been a religion with you—but never on Saturday.

And I came here today, Mr. Stulberg, to tell you and the members of this great Union that the old-time religion is good enough for me. And the old-time liberalism is good enough for me.

Being here in this great hall in Atlantic City, Governor Hughes, brings back many fond memories for me. I guess you all know why this city means so much to me. I don't think there is a man, woman or child in all of this country who doesn't get a lump in his throat watching the Miss America contest each September.

There is one difference between today and the night I was here in August of 1964 at the Democratic Convention. It is a difference that some of you former cutters, pressers, operators and finishers may be especially interested in knowing about. You have a chance to look at the only man in the long history of the needles trade who used a speech rather than the scissors to cut off his own coattails.

I must admit that your reception puts me in somewhat of a sentimental mood today. There is something about this Union—something about this convention—something about Louis Stulberg—something about David Dubinsky—something about Evelyn Dubow that makes me feel right at home. It is something about all of these three and all of you out there that makes me feel right at home.

It is not just that you are my friends and that you have demonstrated your loyalty time and time and time again at the ballot box and in your influence on good legislation. It is much more than that.

Somehow, the ILGWU seems to me to be a model in miniature of the great America that we all seek and we all dream of.

As I look out there from this podium today, I see delegates, I see Americans of every race of every color, and of every creed. You work together in harmony because you share a common ideal which is more important than anything else—you are building. You are running one of the great democratic trade unions in all of the world.

This, of course, is because you have always asked the right question when admitting people to your membership. You don't ask:

"Is he white?" or

"Is he Jewish?", or

"Is he Catholic?"

You simply say, "Is he—or much more often she—a garment worker?"

I have been involved in national politics now since 1931—almost 38 years—and as I am about ready to go back home—I think I would like to leave one message with my dear friends here. I would like to leave this message behind me. I would like to carve it in rock:

"Ask the right question."

And I would add that in both your experience and mine, the right question is usually how?, not what?

Back in the first decade of this Century, every social reformer knew what was necessary to eliminate the terrible sweatshops, the triangle fire-traps in which the garment workers were literally held in wage-slavery—

There were economic treatises,

There were politicians out with sonorous speeches,

There were catastrophe-mongers who wanted to destroy the whole system to eliminate its abuses.

There were alleged intellectuals who were talking about us.

But what do the intellectuals know about us?

There were innumerable answers to the question, "What should be done?"

The system we knew had to be changed.

But when it came to "How?" there was only one group that had an answer that made sense. They didn't say, "We will meet in the Union Square daily and we will carry signs and we will make speeches and we will give our treatises and our lectures and our seminars until there is a change in the system."

If so, they would still be there.

They said, "We will build a union."

Of course, all the professional cynics—they had them then, too—said it was impossible—you couldn't beat the system—the men and women, mostly immigrants, didn't have the staying power.

Then, in 1909, when I was one year old, out came the waist-makers in a strike that "couldn't last."

But it did—and those girls—there may be a few here today—no longer girls, but still committed unionists—put the world to shame and brought a wave of support from decent Americans throughout this land everywhere.

So, a great union was born. And it grew because a few dedicated Americans—often with strange accents—took the ideals of our society at face value and said, "How can we put them into practice?"

It has not been an easy half century. You had your extremists with a vested interest in catastrophe who argued that destruction was the road to construction.

But your leaders—men like David Dubinsky and Louis Stulberg—and to those of us that were on down the line—they knew that you cannot build a utopia on ashes. And, after a terrible struggle which almost broke your union, these false prophets were defeated.

Since then, we have had wages and hours from 25 cents an hour to $1.60 applied to all the working people in this land.

In this last half century, we have passed four comprehensive far-reaching civil rights bills from the Right to Vote to a Right to Equal Housing—and on all four of those measures you and I have led the way.

We have junked and discarded our archaic immigration laws. And we stood with pen in hand in front of the Statue of Liberty in this Administration and wrote a new immigration law that permits families to again be reunited and puts another humane statute on our books.

We have passed Meat Inspection, Auto Safety, Truth in Lending, and we have just begun with a long list of more than a dozen other consumer measures that will be written into the law of this land because of your help.

For almost 200 years, we shunned our responsibility of national leadership in educating our children. But in the last four years we have declared it our national policy that every boy and girl born in this country has a right to all the education that he or she can take.

And we are—I am here to tell you—practicing what we preach.

While others have written their learned treatises and flourished their rhetoric from coast to coast, we have put them from Head Start at 4 to Adult Education at 74. And the ILGWU has had among its most cardinal principles performance instead of promises.

And as we meet here today, those Head Start kids at 4 and those Adult Education grandmas at 74 are learning to read and write in the classrooms of this country.

We have inaugurated the greatest conservation programs since the days of Franklin D. Roosevelt. And this year we are putting more land for recreation back in the public domain for the first year in decades than we have taken out with highways and freeways.

We are putting that land not out in Montana or Wyoming where you cannot get to it unless you have got a jet. But we are putting it near the centers of population where you can get to it in an hour and a half.

We talked about Medicare from the time Harry S. Truman—that great President—proposed it. We talked about it and thought about it and dreamed about it for more than 20 years.

But we wrote it into law. And you got your Medicare payments. Twenty million of you have your Medicare cards. You don't have to go and consult your son-in-law before you go to the hospital when you need it.

And I am telling you something else. This may not have been done with charisma or style. But it has been done.

I will tell you something else. What this great union has done with Medicare I am charging you with the responsibility of doing with Kiddycare.

The blush of shame ought to come to the cheeks of every proud American who talks about the most powerful and richest nation in the world when it realizes that in infant mortality the United States ranks not one—but 15 down the list.

Just as we have tried to cope with the problem of our age, we have got to cope with the problem of our babies. We have got to get to them before it is too late. We have got to correct the deficiencies of their eyes, or their teeth, or their ears, or their bodies due to lack of proper treatment to their mothers.

You have got to have her examinations at critical periods. They have got to have treatments of doctors when they need it.

We can no longer go on in the days ahead as we have gone in the days past—and our next goal is on to Kiddycare now that we have got Medicare.

I wish I could talk all day. But I can't. I have other things to do and so do you. But I just want to summarize by saying to those of you who have fought colonialism and those of you who have fought and bled and died to reject totalitarianism that neither colonialism nor totalitarianism have made any advances in these five years. They retreated instead.

And aggression—wherever it has reared its ugly head—has stopped in its tracks.

And freedom has not retreated an inch or foot of soil that freedom held in 1963. Freedom holds in 1968.

But I did not come here to give you a history of your union or of the last five years. I just wanted to point out a few of the high spots.

There have been more than 200 major basic measures enacted to better humanity than will compare favorably with all the measures enacted in the previous years in the social field.

But I think you know this story maybe far better than I do since you helped build this organization and since this organization gave the leadership and answered "aye" on every roll call that advanced these measures.

I have drawn upon your history this morning because I find when I study it and I look upon it that it is both valuable and comforting to me in a time of stress and anguish. To the officers of this great union, Louis Stulberg and your retiring President, David Dubinsky—men that will give loyalty to principles and give loyalty to me as they have during every day of this five years—will give loyalty to you.

There is a great deal of rhetoric in the air these days. As is natural in an election year, there is a speaker on every stump—and some places where they can't find stumps.

As I conclude—and as one who will shortly be a private citizen—I want to give you some advice. When you listen to the speakers, draw on your own experience—draw upon the collective wisdom that you have accumulated in the years that you have been building this great union.

When men—or women, or boys, or girls—come to you and give you their prescription for America, listen to what they think is the matter with America.

But before it is all over, you demand from them an answer to the crucial question, "How, how are they going to do anything about it?" It is not "What?" It is "How?" It is not the promise. It is the performance.

For the essence of politics, like trade unionism, is the ability to put a cutting edge on abstractions, to find an administrative remedy for a rhetorical dilemma.

And power—power as my old friend, Eric Hoffer, puts it—just does not "come in cans." You cannot go down to the corner drugstore or the supermarket and pick some of it up in a basket.

Power for the ideals that we cherish has to be created by little, by the small and the seemingly insignificant decisions of dedicated, courageous men and women—most of whom are invisible, most of whom never make speeches, most of whom never issue manifestos and most of whom never get on television or get their pictures in the papers.

It is these people—people of this caliber—who have made the ILGWU a model—a model—of democratic trade unionism in the world.

It is your kind of people who make it possible for anyone to be President of the United States.

I want to conclude with this little note. I want to thank every member of this union here and those that can't be here.

I particularly want to thank Louis Stulberg for his fidelity and his dedication, his loyalty and his leadership.

Sitting there on the banks of the Perdenales, I am going to see how—how—he does in the years ahead because I know that he and you and I are going to do it.

I also need not tell you how much I owe to you or how long I have admired your union and your great leader and crusader, David Dubinsky.

In these days more than ever I can envy him. He has made me wish many, many times in the last few days that our founding fathers had established another union—the AURP—The American Union for Retired Presidents.

If that had happened, then I could look forward to a retirement plan like David Dubinsky's.

How would you like the sound of "Honorary President, Lyndon Johnson"?

Talk about liberal, how about these fringe benefits:

"A weekend in Atlantic City or Chicago;"

"Invitations to a dinner at the White House;"

"A warm place in the hearts of all of your people;"

And "a sure place in the spotlight of every convention?"

But a greater satisfaction and more fringe benefits than all of those can come to an honorary President has come to your Honorary President because the man who picked up the leadership where he left off is carrying forward, onward to new and greater and far-reaching heights and benefits that will better humanity.

If I could have one hope today, it would be this: That whoever may be President, wherever he may reside, whatever party he may belong to, he will look at the social record of the last five years and say, "We have just begun."

As your union is dedicated to carrying forward on the slogan, "We have just begun," I hope our next President will have just begun and will continue as you have to build, to heal and to unite the greatest nation in all the world.

Destructive people, mischievous people, ambitious people, and folks who look to what we have and want to take, what we have got and envy the liberty and freedom that is ours can destroy this nation. But they will not.

The reason they will not is out there in front of me in the form of the constructive, dedicated members of this union, who are builders instead of wreckers.

If I don't get an invitation to your next convention, I am going to reach back in that closet of mine where we pack our souvenirs and I am going to pull out an old badge that says, "Honorary President," and I am going to invite myself to come back here.

MILWAUKEE JOURNAL TRIBUTE TO AMBASSADOR JOHN GRONOUSKI

Mr. PROXMIRE. Mr. President, as the senior Senator from Wisconsin, I am proud of the record a remarkable constituent of mine has made in the Federal Government.

That man is John Gronouski, who was appointed by the late President Kennedy as his Postmaster General. At the time, Gronouski was the Wisconsin State tax commissioner, a position to which he had been appointed after a distinguished academic career in which he had established himself as an economic expert.

As Postmaster General, Gronouski served both President Kennedy and President Johnson with distinction. He did a superlative job, as members of the Senate Committee on Post Office and Civil Service have frequently told me.

President Johnson then appointed him Ambassador to Poland, one of the crucial spots in American diplomacy. This post is critical not only because of the delicate nature of our relations with Poland, but also because it is the American Ambassador to Poland who is the principal bridge between this country and the biggest nation on earth—Red China. In this position, too, Ambassador Gronouski served his Nation and his President brilliantly.

Many persons were surprised when Ambassador Gronouski resigned this vital post a few days ago. In a sense, I was too. But knowing John Gronouski as I do, his reasons must be quite clear.

John Gronouski loves to be where the action is. It is just not natural, or maybe I should say, not even possible, for John Gronouski to sit out a presidential campaign, especially like the one this year, in which he has such very deep feelings.

Recently the Milwaukee Journal published a fine editorial about John Gronouski, in which it implied that he has quite a future as well as an illustrious past in his contributions to his Nation. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

GRONOUSKI ON THE GO

Few Americans have packed as much excitement into the last five years as John Gronouski, former Wisconsin commissioner of taxation. President Kennedy brought him into his cabinet as postmaster general in 1963. Two years later President Johnson made him ambassador to Poland.

The glib explanation of this sudden rise on the national scene has often been that the two presidents wanted someone with a Polish background to serve as an attraction for Polish votes.

The fact is that Gronouski was highly suited for the jobs he has had. He had a distinguished career in the academic world and state government as an economist, finance specialist and student of government. He brought to his job as ambassador warmth, toughness, adaptability and a passion for cutting through red tape. He may have broken formal diplomatic rules but he made friends and got the job done.

Gronouski was the kind of ambassador who walked several miles to work in Warsaw—at least until he was given a new home farther from the embassy late last fall. He traveled Poland tirelessly, talking with farmers, villagers and everyone he met about their problems and ours.

Gronouski, now resigned, is going to take up the cause of Vice President Humphrey in the presidential race. Whatever he does, John Gronouski will enjoy it, work hard and, continue to spill pipe ashes down his suit coat front—a suit coat that his diplomatic experience has changed from nondescript and baggy to conservative and well tailored. Wisconsin, and the country, have not heard the last of him.

NATIONAL PROSPERITY AND THE FARMERS

Mr. YOUNG of North Dakota. Mr. President, the financial condition of the farmers of the country, those who produce the most important things of life—food and fiber—is growing steadily worse.

The prices farmers receive for their commodities today are lower than they were 10 years ago, and even 20 years ago. The prices of all industrial goods, especially those which farmers have to buy, have risen steadily year after year. The same is true of wage rates, taxes, and all other operating costs. Those economists who have taken time to study the financial condition of farmers—still the biggest and most important industry in our economy—have come up with a very accurate analysis of the true farm situation.

Unfortunately, stories which paint an untrue and distorted picture of agriculture are more prevalent, more widely accepted and read than those which carry an accurate account. With but rare exceptions, the general farm organizations and commodity groups are all agreed that legislation is necessary to correct this dangerous imbalance in our economy.

Unfortunately, too, there are some who believe that the present farm programs are responsible for the deteriorating farm situation and they use this as an argument to abolish all farm programs.

It is true that the present farm programs leave much to be desired but, if they are abolished completely, we would have a major farm depression. We are close to that now.

Mr. President, on May 24, 1968, North Dakota's largest newspaper, The Forum, published at Fargo, contained an excellent editorial on this subject entitled, "Farmer Deserves a Share in Our National Prosperity." It is encouraging to know that a great newspaper like this advocates the extension and improvement of our present price support programs.

The Forum is a responsible and progressive newspaper, and its editors are in the best position to understand what is really going on in our rural areas. Mr. President, the fact that farm indebtedness has more than doubled in the last 8 years and is now at the staggering level of $50 billion is an indication that farmers are in trouble all over this Nation.

Mr. President, I ask unanimous consent that the editorial be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FARMER DESERVES A SHARE IN OUR NATIONAL PROSPERITY

At the most, the American farmer will only get a one-year extension of the existing general farm act, now scheduled to expire Dec. 31, 1969.

The House Agricultural Committee has approved the bill by a 28–5 vote. Tuesday the House Rules Committee postponed action as to when the bill would come up for discussion but later that day the House Republicans agreed to the one-year extension. The Senate Agricultural Committee is expected to act on the same proposal in the near future.

All this means is that the present Congress sees no hope of making changes, and the farm leaders hope that the one-year extension will give the new Congress elected next November one full year to map whatever major changes should be made in the farm program.

With a new Congress taking office next January, the feeling in Washington was that the 1969 session would have a difficult time to get action on legislation before late in 1969 if at all. Thus the one-year extension gives the new Congress a full year to work out a general policy, and to enact a new bill either in late 1969 or early 1970, if the current one-year extension is passed.

If there were no extension, then the 1969 session would be up against the gun and it could let the farm program die simply because of a parliamentary snag. This is what the farm leaders and the current Congress want to avoid.

Most of the representatives and senators from the midwest would like a four-year extension or a permanent extension of the 1965 general farm act, but apparently there is no chance for such action. It seems to be unfortunate that there is going to be probably no improvement of the federal farm act, in as much as North Dakota and Minnesota farmers generally feel that their economic situation is growing steadily worse rather than better.

The prime reason for the extension however, is that the economic situation on the farm would be even worse if the farm act were allowed to expire or if the farmers had to go till 1969 not knowing whether or not there would be a federal farm program in effect at the end of that year.

Sen. Milton R. Young, R-N.D., agrees that the present program leaves much to be desired, but contends it is better than nothing at all.

He believes that the Vietnam War, the financial crisis and growing inflation, the uncontrolled crime in the streets and the demands of the war on poverty all combine to temper any enthusiasm in Congress for any meaningful action to improve farm prices this year.

Sen. Young makes this point:

"To add to the farmers' dilemma is the fact that they are plagued by damaging publicity on almost every front. Too many people are victimized by publications with huge circulation, which still have the notion that farmers are highly subsidized, and that rising food prices are the fault of the farmer. Nothing could be further from the truth."

He said that deception and distortion appears in an article, "Hunger—U.S.A.," recently published by the Citizens Board of Inquiry into Hunger and Malnutrition in the United States. He said this publication lists several North Dakota counties as having serious hunger problems.

Sen. Young declared, "This is an example of lack of understanding and misrepresentation. Shortage of food is not the problem in North Dakota, with the possible exception of counties with the large Indian population. Low farm prices and inflation are the major problems in North Dakota. Unfortunately misinformation and even ignorance of present problems facing agriculture are the major reasons why we may not get any action until it is too late."

The situation in Washington is far from optimistic for the farmer. We in the farm country know that the farmer gets the short end of the food dollar, with the larger share going to the processing, transportation, merchandising and labor costs. Still we note that in some places organized labor is protesting recent milk price increases, when in fact most of the increase was a direct result of increased pay to the labor involved in milk processing, rather than increased cost of milk at the farm.

It's unfortunate that the American farmer has to settle for a one-year extension of a general farm act that has proved highly unsatisfactory in this particular area. Somehow there has to be a recognition of the fact that the farmer is entitled to share in the prosperity of America. If he doesn't, the whole nation may fall into a farm-led depression, as Sen. Young cites as a distinct possibility.

HUMAN RIGHTS TREATIES ARE REMINDER OF WORLD OPINION

Mr. PROXMIRE. Mr. President, our American law is already in conformity with the Human Rights Conventions. Therefore, their ratification would not require any change in our domestic legislation.

However, the fact that our Constitution already assures us of these basic rights does not entitle us to stand aloof from documents which project our own heritage on an international scale.

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations.

These conventions deal with human rights which may or may not yet be secure in other countries. They have provided models for the drafters of constitutions and laws in newly independent nations; and they have influenced the policies of governments preparing to accede to them. Thus, they involve current problems in many countries.

They will stand as a sharp reminder of world opinion to all who may seek to violate the human rights they define. They also serve as a continuous commitment to respect these rights. There is no society so advanced that it no longer needs periodic recommitment to human rights.

Our country cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

I desire, with the constitutional consent of the Senate, to ratify the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Freedom of Association.

ACHIEVEMENTS OF ARKANSAS LOUISIANA GAS CO.

Mr. McCLELLAN. Mr. President, on May 14, 1968, the stockholders of Arkansas Louisiana Gas Co.—Arkla—held their annual meeting in Shreveport, La.

In past years, Arkla has served the people of Arkansas, Louisiana, Oklahoma, Kansas, and Texas mainly as a public utility company providing natural gas for its customers at a minimum cost.

In recent years, however, under the dynamic leadership of Mr. W. R. Stephens, president and chairman of the board, Arkla has diversified its operations and expanded into the fields of fertilizer, plywood, chemicals, and cement to name just a few. Mr. Stephens' farsighted and dedicated guidance has enabled Arkla to provide thousands of jobs for Arkansans, which has aided immeasurably the economic progress of our State. Gross revenue of this growing company is expected to reach $200 million in 1968. Tremendous economic progress and attainment is evident at Arkla, but the people comprising that company do not content themselves only with the attainment of economic goals—that is, developing Arkansas' natural resources to provide more jobs and better services to the citizens—but also continue to look to the future with full cognizance and appreciation of some of the social problems that face us.

In 1968, the company has pledged itself to a program of developing human resources. This program entails training the hard-core unemployed citizens who are willing to learn and work, and preparing them for employment which will help to assimilate them into our society by making them productive and self-sustaining.

I salute Mr. Stephens, the Arkla employees, and the stockholders for their past economic attainments which have resulted in a more prosperous Arkansas; for their future aspirations to continue to grow economically and better serve the people; and for their present concern of one of our Nation's most critical and perplexing problems—that is, hard-core unemployment—and their resolve, dedication, and foresight to do something about it.

Mr. Stephens, in a letter to the stockholders on May 14, 1968, illustrated the tremendous program of Arkla and emphasized the principles to which the company is dedicated for the future.

The program this company has inaugurated to help those who may be poverty stricken, but who want to work, and to relieve unemployment should have the full support of our Government and well deserves to be emulated by many other industries throughout the Nation.

I congratulate Mr. Stephens and his company for this dynamic and progressive approach they have made to the solution of a serious national problem.

I ask unanimous consent that the text of Mr. Stephens' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATEMENT BY W. R. STEPHENS, PRESIDENT AND CHAIRMAN OF THE BOARD, ARKANSAS-LOUISIANA GAS CO., TO ANNUAL STOCKHOLDERS MEETING, SHREVEPORT, LA., MAY 14, 1968

Stockholders, Ladies, and Gentlemen: Arkansas Louisiana Gas Company has traditionally acknowledged three basic obligatons. . .

First, to its customers, 564,000 of them in the five states of Arkansas, Louisiana, Oklahoma, Kansas and Texas. To them we have pledged dependable low-cost natural gas service. In this we have succeeded. In the past ten years we have more than doubled the number of customers served, and we pride ourselves that we "sell more gas at retail cheaper than any other gas distribution company."

Our second responsibility, as with all corporations, is to make money for our stockholders, 35,600 in 50 states and 23 foreign countries. During the past ten years we have purchased three other utilities and we have diversified to where we are in effect a new company today. This has given us the tools to work with to increase our earnings materially in the future.

Our third responsibility is to provide for our 4500 employees, to assure them of a bright and happy future. This we have done by increasing the wages of our hourly paid people more than $500,000 per year for each of the last three years. There are some of our people who may be still a bit behind, but we are mindful of them and will provide them remuneration in keeping with the Company's performance and the economic changes of the times.

During the past ten years we have created more than 1500 new permanent jobs, and more than 2,000 temporary construction jobs. You know, it is the secret of American free enterprise that it can create jobs. Productive jobs are not created by government, and we should not leave everything to "Big Government."

We now acknowledge a fourth obligation—that of helping to advance the abilities and skills of the lesser skilled and unemployed persons of our area. We will offer gainful employment and training opportunities for such people who desire to work and who abide by the laws of our country. We recognize that big business also must abide by the laws of the country.

To this end, we pledge out of our earnings $500,000 annually, to school and prepare these peoples for useful employment and increasing responsibilities in work.

I want to explain to you what I mean by this program. In the past, when we had a vacancy, we took applications and then hired the best qualified person. Under this new program, we will take people who are willing to learn, and we will help them to become qualified. Society is getting more complicated every day, and most of us benefit from the way that society is growing. But some people are hamstrung by society. They're willing, and they're hopeful, but they can't even get up to the "starting line."

As a public utility we serve all people, in every part of town. We are concerned with the welfare, and the strengths and weaknesses, of all parts of the 475 communities which we serve. We are involved with all of them. This program will expand what we're already doing. We have taken part in pre-job training for people coming out of correctional institutions, to help give them a better start and a new life. We have taken part in organized vocational training programs. We do these things as a law-abiding corporation, made up of responsible citizens of our communities, who try to measure up to the obligations of leadership.

At the present time Arkansas Louisiana Gas Company has 307 Negro employees out of 4,500 or 6.8 per cent. These people hold jobs in many fields—from chemist, to data processing, to supervisors, to revenue interpreters, to clerks. They run the gamut from skilled to unskilled. They are doing a good job for us.

Our program is contrary to all normal practices of employment. But if the Negro and the less fortunate persons are to have a chance to develop their skills and enhance their positions in life, someone must lead the way. This is why we are assuming a leadership role in providing employment and opportunities for advancement to this segment of our society. This is a responsibility of leadership.

It has always been our policy to run a "tight ship" with major emphasis on job efficiency. Fulfilling this fourth obligation which we have now assumed, may postpone some of our efficiency but I am confident we can take our new program in stride.

We're off to a good start this year. Consolidated net income for the first quarter of 1968 came to $10,619,000 or $1.05 per share, as compared to net income of $9,965,000 or 99 cents per share last year. For the 12 months ending March 31, 1968, net income was $29,908,500 or $2.97 per share, compared to $27,283,000 or $2.70 per share for the previous 12-month period.

Looking at all of 1968, we expect to reach $200 million in gross revenue for the first time. This will be accomplished by natural gas sales of $140 million, and by the sale of about $60 million of manufactured products.

As one means of increasing natural gas sales, we will complete by June 1 a $10 million pipeline to Jane, Missouri, through which we will move 100 million cubic feet of gas per day to Cities Service Gas Company, under a 20-year contract. In addition, we will complete by the end of the year 29 miles of 30-inch loop line . . . the biggest pipe we've ever put in—for the Arkansas system, and add compressor capacity of 8000 horsepower to bring new large volumes of gas into our main system from fields in the Arkoma Basin.

Our natural gas sales will benefit from the rapidly increasing industrial requirements of our service area, and with the utilization of more gas burning appliances throughout our system, especially gas air conditioning. To support our sales growth our gas reserves continue to grow. During 1967 we increased them by 874 billion cubic feet, to where we now have in excess of 8.1 trillion, of which 910 billion are company owned. This represents a great asset.

Fertilizer sales of products from our Big River Complex at Helena should account for over $15 million this year. The PinePLY plywood plant production will result in $8 million in gross revenue. Other chemical operations contributing will be products extraction, some $9 million; chlorine and caustic, $2.2 million; and petroleum marketing, $3.3 million. Sales of Foreman Cement should top $15 million, with the full effect of our latest expansion.

The introduction of our new 5-ton air-cooled unit and the 100-ton steam-driven unit should improve our sales position in gas air conditioners which we have developed over the years. Together with new models of Gasgrills and Gaslites, our Arkla Industries subsidiary should realize sales in excess of $15 million.

In all, we should have gross revenues in excess of $200 million. Many of our future projects and studies have become unfeasible due to high interest costs, but we have not abandoned them. We are waiting for a better opportunity to move forward.

We have reached that point in our diversification program where weather is not a determining factor. When the weather is hot, we do not have to suffer financially. If gas use goes down, fertilizer and cement and plywood go up and sustain our growth.

What we have dreamed and worked for is now here. The thing we are proudest of is that we have as a Company tied the natural resources of the rugged mountains of Western Arkansas to the Mighty Mississippi, through a 250-mile pipeline system which transports natural gas to sustain and develop our economy. For the first time the Mississippi River is of economic value to all of Arkansas and to Northern Louisiana.

Through this action we have results today—not tomorrow. Because we are on the Mississippi some 865,000 tons of fertilizers will be produced this year from the gas we supply . . . at the Continental plant at Barfield, and by our own complex at Helena. We have "gotten with it." Arkansas gas is used for Arkansas.

Through these and other developments the value of land has increased in some places from as little as $1 per acre to $1,000 per acre. The fertilizer which we help make possible will save the farmers of Arkansas and Louisiana $10 million annually.

And more growth is coming to our service area, with the opening of the Arkansas River to navigation in October and the encouraging progress on development of the Red River.

Thus, under our diversification plans and actions we are converting our raw materials at home to the benefit of the people and the area we serve, and to the profit of our stockholders. During this year, we will work with another resource we have—our people who need help. 1968 should be a good year and I for one look forward eagerly to our progress and results.

I thank you for your help and encouragement.

MUST OUR BOYS CONTINUE TO DIE WHILE THE PEACE TALKS GO ON? WHY NOT SEEK A CEASE-FIRE NOW?

Mr. GRUENING. Mr. President, On May 7, in a speech on the floor of the Senate, I urged that President Johnson order a cease-fire by the American and South Vietnamese forces, and request our adversaries—Vietcong and North Vietnamese—to do likewise. It seems utter folly that while these negotiations are underway the killing not only goes on, but is intensified.

Three weeks ago our casualties reached the highest point in the entire war—562 dead and 2,225 wounded. That was the week of May 5. The following week, they were almost as high—549 killed and 2,282 wounded. We have yet to learn the number of our casualties since that time, but it is obvious from these tragic figures that we are not winning the war militarily and the needless killing and crip-

pling of thousands of our boys should be stopped if it is humanly possible.

It also happens that the current June issue of the Progressive magazine heads its leading editorial with exactly the same title and plea that I used three weeks earlier: "Stop the Killing Now." As I pointed out, the request, at the very least, should be made by the United States. If the North Vietnamese and the Vietcong do not accede to it, at least our Government will have tried. Certainly the partial suspension of the bombing that was announced when, on March 31, the President declared his determination not to be a candidate for reelection, can hardly be interpreted as a thoroughly meaningful departure from previously existing policy. In other words, we should not only stop all bombing, but all shooting, with the understanding, of course, that the other side will do likewise.

I ask unanimous consent that the article from the Progressive "Stop the Killing Now" be printed at the conclusion of my remarks together with the statement that I made on May 7 to the same effect.

While our boys are dying, the worthless and undemocratic character of the government we are supporting in Saigon becomes increasingly evident. In the Sunday, May 26, New York Times appeared two articles concerning the suppression of the freedom of the press that is taking place there together with the sentencing of a United Press International photographer to 2 years in prison. His offense appears to have been the taking of photographs showing the "water cure" torture by South Vietnamese of their Vietcong prisoners.

I ask unanimous consent that the two articles from the Sunday, May 26, New York Times, "Censors' 'Noes for News' Enrage Saigon's Editors" and "Saigon Sentences U.P.I. Photographer" be added at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Progressive, June 1968]

STOP THE KILLING NOW

The killing goes on.

This is the central fact about what is happening in Vietnam—the fact that must constantly be borne in mind as the search for a negotiated peace continues.

While diplomats on both sides do their dickering and propagandists jockey for a momentary advantage, the slaughter continues. Each week hundreds of men, women, and children—soldiers and civilians, Americans and Vietnamese, Communists and anti-Communists, and the many who know little about ideology and less about strategy but merely want to see the sun after the long night of war—each week hundreds of these die in a tragic and senseless war that has been automated, escalated, mechanized, modernized, and magnified by American wealth and technology. Each week thousands more are injured and maimed, widowed and orphaned, driven from their homes. Each week sees more destruction and despoiling of a land that will take generations to rebuild.

This is why *The Progressive* cannot join in Richard M. Nixon's self-serving call for a moratorium on criticism of the Administration's policies during the negotiations. It was the people's protest and political action that drove President Johnson to make his historic pronouncements that Sunday night of March 31; both forces can be equally creative in maintaining the democratic dialogue on Vietnam policy now. That is why, too, we cannot embrace with equanimity Ambassador George W. Ball's appeal for "patience and a sense of perspective." Patience and perspective we shall surely need in the trying months ahead, but it is vital for us to remember that we are dealing not with a long, drawn-out border dispute or snail's-pace trade negotiations. We are dealing with human lives, and while we practice patience the killing goes on. During the month of exasperating maneuvering over a conference site, more than 2,400 American and South Vietnamese boys were killed in action and a claimed 11,000 North Vietnamese and Vietcong soldiers were slain.

"This is only the very first step," President Johnson warned when he announced the agreement to meet with representatives of North Vietnam in Paris. "There are many, many hazards and difficulties ahead."

Mr. Johnson was right, of course, but he might have added that the role of American diplomacy at this juncture must be to do everything possible to remove those formidable hazards and difficulties for which the United States itself is responsible.

"Until honorable peace is a reality," President Johnson told the country, "We must continue to depend on the qualities of courage and endurance which have seen this country through every crisis."

What are the terms of an "honorable peace"? And how "honorable" a peace must it be to put an end to a dishonorable war? The President has not really said, but in Saigon the generals—South Vietnam's generals and our own—are offering a few disturbing clues.

Truong Dinh Dzu, the peace candidate who ran a surprise second in last year's presidential election and who has been in and out of jail several times since then, has now been imprisoned again—this time for urging the formation of a coalition government as a step toward ending the war. President Nguyen Van Thieu and Vice President Nguyen Cao Ky, the leaders of "free" South Vietnam, that nation whose preservation is our proclaimed prime purpose in the war, have declared that they will "never" negotiate with the Vietcong or their political arm, the National Liberation Front.

Our own generals, who have seen victory just around the corner for nearly four years, are once again bubbling with euphoric assurances that great military "progress" is being made toward "victory." And some, it is reported in Washington press dispatches, have begun to urge the Administration to order wider American bombing of North Vietnam.

If the generals have their way, as they so often have had their way, there would be no reason to negotiate; they are wedded to their occupational distrust of political negotiations and tend to think that a peace conference is the place where the enemy surrenders after having been humiliated on the battlefield. But North Vietnam is clearly not prepared to come to the table to surrender. Only a political settlement that involves a measure of give-and-take on both sides—a settlement that embraces the concepts of neutrality and coalition—would offer may hope of bringing the war to the kind of conclusion that could endure because it would be a settlement that both sides could live with. Conversely, if each side sits at the peace table bent on achieving the "victory" denied it on the battlefield, the negotiations are doomed.

Achieving a give-and-take settlement will almost certainly be a long, arduous process. It will entail tensions and upheavals in South Vietnam and it may create internal problems for Hanoi and external tensions in her relationships with Moscow and Peking. For the United States there are bound to be political embarrassments, especially if the Administration has the character to concede—perhaps not in so many words but rather by its conduct at the table and the content of its negotiating proposals—that it committed a political blunder and a moral outrage in waging war in Vietnam.

The fears generated by the Pentagon and its Allies among the politicians and the press that Hanoi would take advantage of a U.S. bombing pause to pour vast aggregations of men, munitions, and supplies into South Vietnam, proved groundless during the month following the partial U.S. suspension of bombing. Defense Secretary Clark Clifford, in a statement that received far too little attention in the news media, said he was "not aware of any increase in infiltration" since Mr. Johnson proclaimed a modified bombing suspension March 31.

Subsequently, however, the White House fed newsmen bits of intelligence reports that purported to show a vast increase in infiltration by North Vietnamese forces, but, when analyzed, these reports ambiguously dealt more with infiltration since the beginning of the Tet offensive in January and less with increased pressure from Hanoi since the President proclaimed a partial suspension of the bombing March 31. American forces have also been embarked on major new offensives since March 31—witness operation "Complete Victory" in the Saigon area, operation "Pegasus" around Khesanh, and many others. On April 21, *The New York Times* reported:

"It has also become clear that President Johnson's partial bombing pause has not reduced the amount of bombing in North Vietnam. It has simply diverted the bombing from heavily populated areas to the sector between the demilitarized zone and the Nineteenth Parallel.

The melancholy fact is that both sides have been seeking to achieve a few quick military "victories" in the hope of strengthening their respective bargaining positions.

Another fear merits examination: A curious notion seems to have taken hold that the negotiating process in itself poses some sort of threat to the interests of the United States. An elaborate mythology has been developed on this point, based, supposedly, on the experience in Korea in the early 1950s. Columnist Joseph Alsop, dean of the press hawks who view with alarm the prospect of a negotiated settlement in Vietnam, has written that after talks began in Korea "the fighting continued for two more years, with the United States suffering nearly twice as many casualties in this period as in the pretalks period." That, Alsop warns, "is the kind of thing the U.S. commanders in Vietnam are unanimously determined to avoid. One of the wisest and most highly placed among those who have streamed through Dongha is known to have remarked that 'the best contribution we can make to the progress of negotiations is to go on winning the war.' "

In a similar vein, the liberal *Washington Post* has asserted that "the talks that started on July 10, 1951, did not end until July 27, 1953, at Panmunjom, and neither did the fighting. Casualties were greater than those before the talks."

All this is not only irrelevant but inaccurate. According to official Defense Department figures, U.S. casualties in Korea totaled 20,929 killed and 53,784 wounded from June 25, 1950—the day the war started—until July 13, 1951. From July 13, 1951—three days after the talks started—until July 27, 1953, when the armistice was signed, the official casualty figures reported 12,700 dead and 49,500 wounded.

This is not to suggest that we must casually accept a continuation of the fighting in Vietnam—even at a reduced casualty rate—while the search for a negotiated peace continues. Quite the contrary. Each violent death, each act of destruction in Vietnam is an unconscionable affront to human sensibility.

The maneuvering and bargaining in Paris will doubtless go on for a long time, but there are several preliminary agreements that need to be reached as soon as humanly possible.

The initial order of business in Paris is Hanoi's demand for unconditional cessation of the bombing of North Vietnam. Prompt American acceptance is clearly the indispensable first step toward fruitful negotiations—the step so long urged on the Johnson Administration by many of the leaders and the peoples of allied, neutral, and Communist countries, not to mention our own.

The next step, it seems to us, must be early agreement on a sharp deescalation of all fighting by both sides. What would be vastly more desirable, of course, would be a general and immediate cease-fire to end the killing *now*—while negotiations go on. There are barriers to such an agreement, not the least of which is the long smoldering conviction of the leaders of North Vietnam that they were betrayed after the cease-fire and settlement they reluctantly accepted at the Geneva Conference of 1954.

Much could be done to assuage this suspicion among the leaders of North Vietnam that they might be burnt again, this time by the United States, if the American emissaries at the Paris talks would make it clear at the outset—privately if that is preferable—that the United States is committed to complete withdrawal from Vietnam, and is prepared, as Senator Eugene J. McCarthy has urged, to "negotiate a new government for South Vietnam"—if, indeed, these are our intentions.

To be sure, it is not good poker to show your hand before you are called; nor is it considered shrewd collective bargaining to reveal what concessions you are prepared to make in searching for a compromise. But, given the background and aftermath of the 1954 Geneva Conference; given the fact that we are not dealing here with poker chips, or with wages, hours, and seniority, but rather with the lives and the land of millions of innocent victims of power politics; given the final fact that the collapse of negotiations in Paris would lead to renewed escalation of the war in Vietnam, which in turn could trigger worldwide nuclear war—given these considerations, the sacred laws of poker-playing, the traditional concepts of bargaining, and even the ancient arts of diplomacy have little relevance to the challenge that confronts us.

The negotiated settlement designed to bring enduring peace to Vietnam, will be hammered out, hopefully, over a period of months—perhaps longer. But for the present, the immmediate and imperative need is to stop the killing.

[From the CONGRESSIONAL RECORD, May 7, 1968]

STOP THE KILLING NOW—ORDER FOR IN-PLACE CEASE-FIRE SHOULD COINCIDE WITH BEGINNING OF PARIS TALKS ON VIETNAM

Mr. GRUENING. Mr. President, the agreement for the beginning of talks in Paris with North Vietnam on May 10, 1968 affords the United States an opportunity to take an important, constructive step along the road to peace in Vietnam.

From news accounts it seems quite likely that—unless such a step is taken—during the so-called peace talks in Paris which will take a considerable amount of time, during that period, the killing of military and civilian Americans and Vietnamese will proceed apace with all sides vying for tactical military advantage to aid their bargaining position at the conference table.

This needless slaughter need not take place. The United States can move to prevent it.

It is obvious that unless the United States is prepared to lay waste to all of Vietnam, both North and South, a military victory is out of the question, and probably out of the question in any event, and that settlement of the conflict must come at the conference table.

Therefore, what possible advantage can there be in continuing the carnage there? It is especially frightful for American boys to be killed or wounded day after day for a temporary, dubious military advantage which will in all probability be yielded at the conference table.

These deaths and woundings of both Americans, their allies, and the Vietnamese should cease.

The United States should immediately announce that, as of the time of the commencement of the Paris talks, there will be an in-place cease-fire in all of South Vietnam on the part of the United States, its allies, and the South Vietnamese forces, except for defensive action.

The United States has the power to enforce such an order with respect to the South Vietnamese forces because the United States has absolute control over the wherewithal by which the South Vietnamese forces operate.

As is stated in the recently published book "Vietnam Folly," which I coauthored:

"In the light of this history, the United States is in no position to argue that it cannot use its economic and military might in South Vietnam—now augmented by over 500,000 men of its armed forces—to establish in Saigon a government which is truly representative of all elements of South Vietnam's economic, religious and military life—for the time being other than the Vietcong, having done so leave its future to the Vietnamese people.

"In South Vietnam, the bullets for the rifles, the shells for the mortars, the gasoline for the jeeps, the tanks and the airplanes, and the food for the people—these are all available through and as the United States armed forces decide."

But what of the Vietcong and the North Vietnamese forces in South Vietnam? Will they honor such a unilateral in-place cease-fire?

I believe they would have to. But at least they should be offered the opportunity to do so.

Neither the Vietcong nor the North Vietnamese forces can hope to maintain even the minimum support of the people of South Vietnam if they alone are killing Vietnamese.

As Buddhist monk Thich Nhat Hanh has stated in his perceptive work entitled "Lotus in a Sea of Fire":

". . . the Vietnamese people with twenty years of war behind them, will turn with trust and longing to a government that combines the concerns of peace and independence . . . A refusal to participate in an effort that is clearly in the direction of peace combined with independence would brand the Front as the enemy of the people rather than their friends, and its own image would be tarnished and degraded hopelessly."

If this course of action is taken, then negotiations can continue in Paris without the pressures of daily mortality statistics from Vietnam.

I have previously proposed that all—and not merely partial—bombing of North Vietnam should cease so that all killings in all of Vietnam should end so that the pressures on the negotiators in Paris can be minimized.

Pressures in the United States—the divisiveness which is racking the United States—could also be minimized if the administration, at the same time it announced the in-place cease-fire in South Vietnam were to announce that henceforth no draftee would be sent to Southeast Asia without his consent and that all draftees in that area would be given the opportunity of requesting duty somplace else.

I have twice introduced an amendment to the Selective Service Act which provided that no draftee could be sent to southeast Asia without his approval. My reasons for doing so were twofold. In the first instance, I believed the involvement of the United States in a civil war in Vietnam was wrong from beginning to end and that it was wrong for our Government to force young men to fight in a war which is morally and legally unjustifiable and which many of them so consider it. Since then the opposition to the war, especially among our young people, has grown by leaps and bounds, an event which I had clearly foreseen and do not hesitate to predict will encompass an ever-growing proportion of Americans. Second, I made the distinction between enlistees and draftees and pointed out the inequity of garrisoning our troops in Europe and in other noncombat areas, with thousands of men who joined the service on their own, while thousands of draftees were sent to Vietnam, many of whom it is probable would not choose to be there of their own volition.

There is a vast difference between sending enlisted men of the Armed Forces to Vietnam and sending draftees there. When a man voluntarily enlists in one of the branches of the armed services, he does so with his eyes open—he knows that he must obey the orders of the Commander in Chief and go where he is sent—even if it is to fight and perhaps die in Vietnam. His is not "to reason why." He undertook to obey orders when he voluntarily entered military service. No one forced him to enlist.

The draftee, after he is inducted, also agrees to obey orders but his agreeing to do so is not on a voluntary basis. He has no choice. But he does know that he is being sent to fight in a war which the Congress did not declare. And he does know that under the Constitution, which he must swear to uphold and defend when he is inducted, only the Congress can declare war. This is a part of the crux of the reluctance of so many of our young men to serve in Vietnam, in addition to the fact that the United States is there illegally, and having invited itself in—contrary to the official allegations that it was invited in, and in violation of all the pertinent treaties to which it is signatory—the United Nations Charter, the SEATO Treaty and the unilateral commitment made for the United States by Under Secretary of State Walter Bedell Smith that it would respect the Geneva accords.

There can be no doubt but that drafting men to serve in Vietnam is dividing the United States as no other conflict has ever divided this Nation. Thus, there appeared in The New York Times for April 28, 1968, a three-page advertisement signed by more than 500 presidents of student government and editors of campus newspapers stating their belief that they "should not be forced to fight in the Vietnam war because the Vietnam war is unjust and immoral."

I ask unanimous consent to have the advertisement printed in the RECORD.

[From the New York Times, May 25, 1968]

CENSORS' "NOES FOR NEWS" ENRAGE SAIGON'S EDITORS

(By Douglas Robinson)

SAIGON, SOUTH VIETNAM, May 25.—The newspapers of Saigon are increasingly sprinkled with blank spaces these days as a battle between censors and editors rages with neither side willing to concede a column inch.

Judging from appearances, the censors currently have the upper hand, but the editors, who fume and rant about Government control, are determined not to be blue-penciled into submission.

The two English-language newspapers—The Saigon Daily News and The Saigon Post—have recently borne the brunt of the censors' "noes for news," as one editor put it.

"The censors take out anything that appears to criticize the Government," said Tran

Nha, editor of The Saigon Post in a recent interview. "We also have a good deal of trouble because the censors don't really understand English."

MISTAKE OF CENSORS

Mr. Nha said that a recent headline had read, "Pacification Hardly Touched by Second Red Offensive."

"The censors took out 'hardly touched' because they felt the words meant 'hard hit,'" Mr. Nha said mournfully.

The preliminary peace talks in Paris and the resignation of Premier Nguyen Van Loc and his Cabinet have caused headaches for Saigon's harassed editors, since the word "peace" was not allowed in headlines and speculation on Government actions is forbidden.

After tortuous circumlocutions during the initial days of the Paris negotiations, the newspapers were finally permitted to use "peace" in headlines. Speculation on the future Cabinet, however, continued to be excised with the resulting gaping holes on Page 1.

PROHIBITIONS LISTED

The censors, who are part of the Ministry of Information, work in a crowded room on the second floor of the National Press Center in downtown Saigon. The room, which has no air-conditioning, has a blackboard on which are listed the prohibited subjects for the day.

Each day, the editors of Saigon's 36 newspapers must submit their final page proofs to the censors for examination. These proofs are brought in three hours before press time, since the editors have learned that the process may be excruciatingly slow.

In addition to the two English-language daily newspapers, the city has 25 Vietnamese, seven Chinese and two French newspapers.

Before last year's election campaign, there were no censors as such. The Government simply suspended publications when they overstepped the bounds of what officials decided was poor taste or inaccurate reporting.

Then, during the campaign, censorship was abolished to permit candidates to air their views. Pro-Communist or "neutralist" writings were not permitted, but since there were virtually no candidates of either persuasion, there were few problems.

A RAY OF HOPE

During the enemy's Lunar New Year offensive in February, when South Vietnam was placed under martial law, the present form of censorship was established and it has not been relaxed.

A ray of hope for the editors was seen today when it was announced that Ton That Thien had been appointed Information Minister. Mr. Thien was once the chief editorial writer for The Saigon Guardian, a newspaper that was suspended by the Government last year.

Newsmen hope that Mr. Thien's appointment will mean that measures now pending before the legislature that would strengthen the censorship laws will be abandoned or toned down. Of particular concern is a proposal for the death penalty for anyone writing what could be considered Communist or neutralist stories.

Not all editors, however, are up in arms against censorship. Nguyen Lau, publisher of The Saigon Daily News and a columnist of considerable reputation, is relaxed about the whole matter.

"I write what I see and feel and the censors take it out," he said. "But at least I can go home with a clear conscience and not worry about going to jail."

SAIGON SENTENCES U.P.I. PHOTOGRAPHER

SAIGON, SOUTH VIETNAM, May 25.—Nguyen Thanh Tai, a once-wounded combat photographer for United Press International, has been convicted by a special South Vietnamese Military court of having produced pictures detrimental to the public interest. He was sentenced to two years in prison.

The court's findings were made Friday and were disclosed yesterday.

Mr. Tai, a citizen of South Vietnam, was convicted of having taken pictures in 1965 that the Government said falsely depicted South Vietnamese soldiers threatening and abusing Vietcong prisoners. Among the photographs was one showing water being forced down the nose and throat of a prisoner.

In New York, United Press International formally protested yesterday to the South Vietnamese Government against the conviction of Mr. Tai. H. Roger Tatarian, U.P.I. editor, sent a cable to President Nguyen Van Thieu in Saigon to call his "urgent attention" to the case.

UKRAINIAN INDEPENDENCE COMMEMORATION

Mr. PASTORE. Mr. President, as the city of Washington prepares to welcome on Saturday, June 1, the Ukrainian Congress Committee of America, there is added import to the headlines that tell us of the stirrings of independence among the unhappy satellites of Moscow.

It is to commemorate the 50th anniversary of Ukraine's independence that brings to our midst our good American neighbors who look back to Ukraine as the land of their ancestry.

The independence of 1918 had been long fought for, but was short lived. For the heavy hand of Moscow dealt a quick death blow to a people's dream.

But Moscow could not—cannot—and never will be able to quench the Ukrainian determination to be free.

Time and again in the Halls of Congress we have drawn upon the example of Ukraine for inspiration—out of its culture—out of its courage—out of the constancy of its struggle for national life and liberty.

The Washington observance begins at the memorial statue to Taras Shevchenko, the national poet of Ukraine. The poet is more than a century dead, but there is a deathless challenge in his words that have been spoken before in the Capitol and I would like to repeat:

> One thing I cannot bear
> To know my land that was beguiled
> Into a death trap with a lie
> Trampled and ruined and defiled—
> Ah, but I care, dear God, I care.

One can understand why the Soviets denounced Shevchenko's writings as "detrimental" and saw that they were removed from bookstores and libraries. And the literary world can be grateful that the Ukrainians in America have seen to it that his works have been published here in their full 14 volumes.

Ukrainian hearts will beat faster and more fondly to the patriotic lyrics of the poet—and hearts of the world will be braver for remembering the courage of Ukraine—steadfast beyond all suffering.

Ukrainians will really be observing two historic dates—that of January 1918 when—with the czar overthrown—the Ukrainians declared their independence and established the Ukrainian National Republic. But all too soon the Red armies crashed in and the Ukraine was finally incorporated into the Soviet Union.

Again in 1941, caught between the raging battle lines of the infamous Hitler and the equally savage Stalin, Ukrainian freedom was reborn, and on June 30, 1941, the Provisional Government of the Ukraine was established. They had defied Nazi terrorism but, once again, the cruel crushing of the Red armies blasted their hopes of freedom.

In all these years the Ukrainians have not accepted serfdom as permanent for themselves, and they have striven to warn the free world of the true meaning of communism—the savage mind and sinister menace of Moscow as they have known them.

These United States with its only 200 years of history can learn much from the thousand-year history of the Ukraine.

In spite of defeats and despair the valiant people of the Ukraine look for history to repeat itself—for still another opportunity for freedom when they can match power with power—for they know and they warn us that communism respects nothing but power—superlative power.

That the Ukrainian hope is no empty dream is supported by the hasty retreat from Prague this past week by Premier Kosygin cutting short his conciliation visit by some 4 days.

This incident is symptomatic of the stirrings throughout the captive nations summarized in an editorial published in the Christian Science Monitor of last Friday, May 24.

It is fraught with omens of the future, of significance not only to liberty loving Ukrainians but to us of America busy "building bridges" of understanding from the free world to these nations of the world that want to be free.

I ask unanimous consent that the Christian Science Monitor editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMMUNISM AND POLITICAL FREEDOM

Eastern European communism finds itself increasingly caught in a cleft stick. It sees itself trapped between a need to grant greater political democracy and concern lest such changes undermine strict party control of national life.

This problem is heightened by the fact that this dilemma has been created largely through the degree of economic progress which most of these countries have made. As the national economies have expanded, as they demand a higher level of skill, education and intelligence, the necessity for political concessions has grown.

Clearly, none of these lands is ready to forgo either economic growth or the creation of a more highly educated population. Hence the dilemma: How to meet the rising demand for freedom without actually granting meaningful liberty?

Few Western experts believe that, in the end, the Communist countries have any choice other than to grant wide-ranging concessions to the demand for more political power. Thus France's Jean-Jacques Servan-Schreiber does not hesitate to state: "There is a close link between economic development and political liberalism. Prague and Warsaw and Moscow are obliged by economic necessity to introduce political liberty."

While perhaps less optimistic over early changes, the late Polish expatriate expert on Eastern Europe, Alexander Bregman, wrote that "once the impossibility of carrying on with an economic and social system which needed total tyranny to keep it going

has been recognized, a way must be found for democratizing the political system as well."

It seems obvious that the ruling Communist Party in Czechoslovakia has come to agree with the Servan-Schreiber-Bergman analysis. While Prague has not gone to the point of legalizing opposition parties, it has apparently opened the door to a degree of discussion and disagreement within the party and the nation unique in the latter annals of Marxism.

True, the Soviet Union has set itself against this trend. Within the past few weeks several of the topmost ideological spokesmen in Moscow have spoken out against Western democratic concepts in very threatening tones. So have Polish and East German officials.

Yet it is doubtful if this rising tide can long be stemmed in any Eastern European country (other than in one or two of the least developed). The need to give freer play to the intellect is too great to be able to channel such play towards economics alone while preventing it from reaching politics.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. McCLELLAN. Mr. President, last Thursday the Senate passed the Omnibus Crime Control and Safe Streets Act of 1968. Support for the Senate action is beginning to come in, in the form of newspaper editorials, columnists' articles, telegrams, and letters.

I ask unanimous consent to have the following material printed in the RECORD.

A telegram, dated May 24, 1968, that I received from the board of directors of the National District Attorneys Association, meeting in Denver, Colo. The association has a membership of 2,500. The telegram is signed by 34 prosecuting attorneys from 21 States, and the resolution it refers to was unanimously adopted.

An editorial entitled "Crime, CELLER and L. B. J.," published in the Washington Daily News of May 25, 1968.

An editorial entitled "The Senate Rebukes the Court," published in the Washington Star of May 23, 1968.

An editorial entitled "A Tough Crime Bill," published in the Washington Star of May 26, 1968.

An editorial entitled "Action on Crime," published in the Christian Science Monitor of May 25, 1968.

An editorial entitled "Senate Whomps Supreme Court," published in the St. Louis Globe-Democrat of May 23, 1968.

A syndicated article entitled "Court Tips Constitutional Scales," written by Jenkin Lloyd Jones, published in the Washington Star of May 25, 1968.

An article entitled "The Loaded Omnibus," published in the Washington Daily News of May 24, 1968.

An article entitled "DA's Need To Bargain With Criminals Scored," published in the Buffalo Courier-Express of April 25, 1968.

An article entitled "Senate's Vote on Crime Bill Confirms People Are Fed Up," written by William S. White, and published in the Washington Post of May 27, 1968.

An advertisement entitled "Patrolman Frank Gucciardi Will Not Be On His Beat Today," signed by the Patrolmen's Benevolent Association of the City of New York, and published in the New York Times of May 27, 1968.

An advertisement entitled "We Can't Put Out Fires and Dodge Beer Bottles," signed by the Uniformed Firemen's Association, and published in the New York Times of May 27, 1968.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DENVER, COLO.,
May 24, 1968.

Senator JOHN MCCLELLAN,
U.S. Senate, Washington, D.C.:

The board of directors of the National District Attorneys' Association meeting in Denver, Colo., on May 24, 1968, have unanimously passed a resolution urging the Joint Conference Committee of the United States Senate and House of Representatives to accept the amendments proposed by the United States Senate to the "Safe Streets and Crime" bill. This organization, speaking for prosecuting attorneys throughout the country, strongly urges the passage of this bill, realizing that there is an immediate and urgent necessity for such legislation.

We strongly urge the adoption of the Senate version of the "Safe Streets and Crime" bill and urge its immediate passage in this vital fight against crime in this country. It is essential that we provide the necessary tools for local law enforcement to deal with this major domestic issue and that we establish a firm national posture on this issue. The Senate version of this bill not only reflects the consensus of prosecutors, but represents the overwhelming opinion of the majority of American citizens.

Board of directors National District Attorneys' Association, William J. Raggio, President; Evert Burton, Portsmouth, Ohio; Lewis Ambler, Bartlesville, Okla., James D. McDevitt, Denver, Colo.; Garrett Byrne, Boston, Mass.; T. E. Duncan, Gainesville, Fla.; Michael Dillon Buffalo, N.Y.; George Franklin, Las Vegas, Nev.; Elliott Golden, Brooklyn, N.Y.; Carol Vance, Houston, Tex.; John Stomas, Chicago, Ill.; Leo E. Maki, Lansing, Mich.; James Epskamp, Caro, Mich.; William Burns, Chicago, Ill.; John M. Price, Sacramento, Calif.; Patrick F. Healy, Chicago, Ill.; John J. O'Hara, Covington, Ky.; John Thevos Paterson, N.J.; Charles Paruszewski, Wilmington, Del.; Gerald A. Stack, Thermopolis, Wyo.; Harry Brenner, Huntington, N.Y., Charles Moylan, Jr., Baltimore, Md.; Thomas Spellerberg, Tiffin, Ohio; Keith Sanborn, Wichita, Kans.; Bill Boyd, McKinney, Texas; Evelle J. Younger, Los Angeles, Calif.; Henry Kowalczyk, Crown Point, Ind.; Richard E. Gerstein, Miami, Fla.; William Cahn, Mineola, N.Y.; Massel Martin, Mineola, N.Y.; R. James Brennan, Pennington County, S.D.; Francis Watson, Red Wing, Minn.; Paul Douglas, Lincoln, Neb.; George Aucion, Jefferson County Colo.

[From the Washington (D.C.) Daily News, May 25, 1968]

CRIME, CELLER, AND L. B. J.

In passing a much stronger anti-crime bill than President Johnson had recommended, the United States Senate most assuredly is reflecting majority public opinion.

The chief features of the bill would make voluntary confessions of crime admissable as evidence, permit wiretapping in a variety of crime investigations, and restrict the sale of pistols.

These are weapons law enforcement agencies need to do a better job of offsetting the rising crime wave.

The new provisions on confessions were made necessary by a series of Supreme Court decisions, which very nearly made any confession unacceptable at a trial. Under the Senate bill, the trial judge would have the power to determine whether a confession was actually voluntary. Who else is better qualified to make this decision?

Wiretapping has been widely used by private snoops but police agencies have been under heavy restrictions. The Senate voted to reverse that upside-down situation by prohibiting private "buggings" entirely and permitting police use of these devices only under court supervision.

The gun control section of the bill may not go as far as the Administration wished, but at least it heads in the right direction.

What the Senate attempted to do was to take away some of the extraordinary "breaks" which have been given convicted criminals and restore some balance in the war between crime and law and order.

If wiretapping is an "invasion of privacy," as its opponents contend, what in the name of creation is murder, rape, kidnaping and burglary?

Rep. Emanuel Celler, chairman of the House Judiciary Committee, is saying he would rather "sacrifice" the whole bill than accept the wiretapping and confession sections. There have been hints Mr. Johnson might veto the bill because of these provisions.

If either of these gentlemen succumbs to such a narrow obstinacy he will be bucking a tide of public opinion which is sick of crime and is demanding that society get at least an even draw with the criminal.

The Senate has devised an historic and reasonable bill. Rep. Celler and others of his inclination will undo it at the risk of compounding a crime wave which already has reached fearful proportions.

[From the Washington (D.C.) Evening Star, May 23, 1968]

THE SENATE REBUKES THE COURT

By no rational stretch of the imagination can the Senate's action Tuesday on Title II of the crime bill be viewed as an "assault" on the Supreme Court. What the Senate votes actually amounted to was an emphatic expression of disapproval and dissent from the line which the court majority has been following in overturning criminal convictions.

This comes through most clearly in the voting on two major sections of Title II.

One was a vote to soften the impact on law enforcement of the court's 5-to-4 ruling two years ago in the Miranda case. This decision holds that a confession is invalid unless the suspect has been given a series of notices prior to questioning and unless he understands that the police will make available to him a lawyer to sit by his side and advise him during any interrogation. This ruling, though its effect is in dispute, has been widely condemned as a barrier to any effective questioning of criminal suspects. It is also a judge-made barrier, since prior to 1966 the Constitution had not been thought to require the Miranda "safeguards."

What the Senate did was to provide, by a vote of 55 to 29, that in Federal cases the trial judge, despite Miranda, may consider all of the circumstances surrounding a confession and admit it in evidence if he decides it was made voluntarily. The hitch here, of course, is that the Supreme Court in due time may declare this provision unconstitutional, even though it may be approved by the House and adopted by the President.

The other significant vote came on a proposal to deprive the Supreme Court of jurisdiction to review a state court conviction based on a confession if the state's highest court had held the confession to be voluntary. The Constitution clearly gives Congress the authority to do this. But it would be a drastic remedy to invoke, and the proposal was voted down, 52 to 32. Michigan's Senator Griffin undoubtedly spoke for many of his colleagues when he said: "As much as I disagree with the Supreme Court's rulings, I really hesitate to tamper with the delicate

balance of power between the legislature and the judiciary."

This is about the size of it. Title II as finally approved is essentially a notice to the court that the Senate thinks it should mend its ways, that it should keep the scales in better balance as between the rights of criminals and the right of the public to be protected from crime. If this advice becomes law and if the court ignores it, which it is quite likely to do, Tuesday's struggle in the Senate very probably will turn out to have been only the first round in a continuing battle between the judiciary and the legislature.

[From the Washington (D.C.) Evening Star, May 26, 1968]

A Tough Crime Bill

The anti-crime bill which has been adopted by the Senate is equipped with sharp teeth. The anguished outcries and the flagrant misrepresentations by its opponents should remove any doubt on that score.

It is not our contention that this bill is right in all respects or that it cannot be improved upon when it goes to conference. We think it can be improved. But to say, as some do, that it is a spiteful assault on the Supreme Court or that if it becomes law it will no longer be safe for a law-abiding citizen to talk on the telephone or converse with his wife in the privacy of his home is nothing but nonsense.

The attack on the bill moves along two main lines. One thrust stays that the effort to modify the Supreme Court rulings in the Miranda and two other cases is unconstitutional. This is disputed by the sponsors. But there is no reason for panic on this score. If the section in question is unconstitutional, the Supreme Court will have opportunity to say so.

The second line of attack is aimed at the authorization under what seem to us to be adequate safeguards for the use of wiretaps and electronic listening devices by federal authorities. In our view, this authorization was broadened on the Senate floor to cover too many types of crimes. We would prefer to see this cut back to the offenses spelled out in the original bill. Two points, however, are worth noting. One is that the Senate approved this authorization by a vote of 68 to 12. Are the critics seriously suggesting that 68 senators want to set up a police state in this country? The other is that, under the bill, all private bugging for the first time is made a federal crime.

The critics hope, first, that the House conferees will not accept the Senate bill, and, second, that the President will veto it if they do.

What the conferees or the President will do is anyone's guess. The obvious fact is, however, that the bill sponsored by Senator McClellan of Arkansas is a response to a massive public demand for protection against crime and criminals. This bill, perhaps with some modification in conference, should become law. And the self-appointed constitutional experts should leave that issue to the court.

[From the Christian Science Monitor, May 25, 1968]

Action on Crime

These columns have repeatedly emphasized, and they will continue to emphasize, the overriding need for immediate and effective action to reduce the horrifying crime rate in the United States. This topic is too urgent to be dropped. There must be continual pressure upon public opinion, upon all public bodies and services until adequate action is taken.

Currently the national Congress is wrestling with a crime bill, several of whose sections are highly controversial. The Senate has overwhelmingly passed the so-called Title II, which would overturn key Supreme Court decisions limiting in court the use of confessions and line-up identifications as evidence. It seems likely, however, that the House of Representatives will hearken to the many voices which have been raised against such action and will reject it.

Thus a deadlock might occur. This, in turn, might threaten the rest of the administration's crime control legislation over which there is less disagreement.

We refuse to accept the thesis that a strong crime bill, strengthening the hand of the nation's law enforcement agencies and the courts, while granting full constitutional protection to the accused, cannot be drafted and passed. It would be a tragedy if national debate became so wrapped up in whether the Senate is right or the House is right that no effective measure came out of this session of Congress.

We call upon both houses of Congress to bid their respective committees sit down together and stay together until they have drafted measures which achieve these ends. If the Supreme Court has gone too far (and no human organization is immune to mistakes), a way can be found to correct this. If the court's decisions are deemed unexceptionable, then, new paths must be found. But, in any event, the American people *demand* that law enforcement become surer and swifter. The sooner this is done, the more easily will it be done.

[From the St. Louis (Mo.) Globe-Democrat, May 23, 1968]

Senate Whomps Supreme Court

Tuesday was a great day for law-abiding Americans as a determined majority in the United States Senate, led by Sen. John L. McClellan, gave the ultra-liberal Supreme Court majority a long overdue rebuff by overturning court decisions that have put undue restrictions on police, confessions and eyewitness testimony.

The Miranda, Mallory and Wade decisions went into the ash heap. They were washed out when the Senate voted to keep sections of the bill that established voluntariness as the principal test for admissibility of confessions in federal courts.

By a vote of 51 to 31 the Senate also beat back an attempt to strike a section which would overrule a Supreme Court decision that eyewitness testimony can't be admitted if a lawyer was not present at police lineup identifications.

Senate liberals made much of the fact that they succeeded in eliminating sections that would have abolished the court's power to review cases involving confessions, eyewitness testimony and writs of habeas corpus. These sections should have been defeated because the Supreme Court must retain the right to review such cases.

These reversals, however, took nothing from the victory by advocates of stronger law enforcement in striking down the landmark Supreme Court rulings that have handcuffed police and prosecutors.

Senator McClellan deserves high praise for his strong leadership in pushing these provisions to passage.

He pulled no punches in accusing the five liberal Justices who have voted these restrictions of undermining law enforcement in this country.

In overturning the controversial court decisions, the Senate is acting well within its scope as spelled out in the Constitution. This rebuke to the high court liberal majority should put them on notice that not only the Senate but people all over the country are fed up with their decisions that give increasing leverage to criminals in escaping questioning or making confessions.

They have shown a strangely callous disregard for the public's primary right to protection against a record criminal onslaught and to justice that is based on equity and not court-invented technicalities.

[From the Washington (D.C.) Star, May 25, 1968]

Court Tips Constitutional Scales

When 80-year-old Hugo Lafayette Black unloaded on his fellow Supreme Court justices during his Columbia law school lectures this spring, he said nothing that hadn't been said with more or less profanity by myriads of lawyers and legislators before him.

But here was a man in the twilight of his years, gone well beyond the need of political favor or personal approbation, who, as he put it, was filled with "fear for our constitutional system." And he tagged his brother justices for the peril.

Said Justice Black:

"Power corrupts, and unrestricted power will tempt Supreme Court justices just as history tells us it has tempted other judges. Given absolute or near absolute power, judges may exercise it to bring about changes that are inimical to freedom and good government. . . .

"I strongly believe that the basic purpose and plan of the Constitution is that the federal government should have no powers except those that are expressly or impliedly granted and that no department of government—executive, legislative or judicial—has authority to add to or take away the powers granted or denied by the Constitution. . . .

"I deeply fear for our constitutional system when life-appointed judges can strike down a law passed by Congress or a state legislature with no more justification than that the judges believe the law is 'unreasonable.'"

In recent years, and particularly since the accession of Chief Justice Earl Warren and the appointment of justices more famous for social activism than awe of the law, the court has come to regard itself, not as a protector of rules, but as a creator of them.

The difference is fundamental.

It was 165 years ago when, in the case of Marbury vs. Madison, the court seized the right to strike down federal statutes that appeared to contravene the intent of the Constitution.

It was a reasonable seizure. After all, you wouldn't have much of a constitutional system if Congress could nullify any part of it with a simple vote. Someone had to make subjective judgments of what the Constitution meant, and who better than the highest court?

Until the Warren court came along when justices split, they generally did so over diverse interpretation of the letter of the law. But the Warren court was characterized by its determination to widen the First, Fifth and Fourteenth Amendments by interpretations that hadn't occurred to previous courts.

The court's defenders have argued that in a rapidly changing society the court is simply keeping up with the needs of the times and that the process of amending the Constitution is so slow that the interest of the people would not be served by waiting for it.

But a process for amending the Constitution does exist. And it would be interesting to see how many state legislatures would approve an amendment that would force employers running sensitive defense plants to hire members of known subversive organizations, or an amendment that would force police to release a confessed rapist if so much as a night intervened between his arrest and arraignment.

Yet the Supreme Court accomplished these wonders by simply interpreting the Constitution in novel and hitherto-unthought-of ways.

Dean Roscoe Pound of Harvard put it well a few years ago when he remarked that the trouble with the court was "absolutism." In the court's effort to achieve absolute justice, according to the personal beliefs of its

majority, the law vanishes and a system of decrees and edicts takes over.

All sincere dictatorships operate on the same theory. "The law is supposed to be good for the people. I think this is good for the people. Ergo, this is the law."

There seems to be no logical substitute for the Supreme Court as the last word in the interpretation of the Constitution. But the flippant theory that "the law is what the Supreme Court says it is" must have some limitations if a system of law is to survive.

If the Supreme Court persists in its apparent drive to nullify the Congress as it pleases, and to direct the performance of the Executive Branch, then we no longer have a workable separation of powers. America may be driven to ratifying a series of constitutional amendments so clear in wording and so specific in intent that the court would have to deny the meaning of the English language to override them.

Our system of checks and balances is worth preserving.

[From the Washington (D.C.) Daily News, May 24, 1968]

CELLER SET TO CURB CRIME BILL: THE LOADED OMNIBUS

(By Dan Thomasson)

What started out to be the President's omnibus anti-crime bill faced tough odds in a House-Senate Conference Committee today after being loaded in the Senate with provisions to legalize police wiretapping and to soften recent Supreme Court rulings.

Chairman Emanuel Celler (D., N.Y.) of the House Judiciary Committee already has said he will fight the provision to undercut High Court rulings on confessions, eyewitness testimony and legal counsel for suspects when they are placed in police lineups.

Rep. Celler said he would rather "sacrifice" the entire measure than accept the provisions on confessions. He will head the House conferees.

The bill, which also imposes new Federal controls on sale and transportation of handguns and authorizes $400 million to strengthen local and state law enforcement agencies the next two years, was passed by the Senate last night after days of debate.

As passed by the House last year, it provided only for the grants to local and state police departments. But Republicans and Southern Democrats used the bill as a vehicle to rebuke the Supreme Court for rulings as those in the Miranda, Mallory and Wade cases and to authorize "new tools," such as wiretaps, to fight crime.

Congressional insiders said today the fight in the Conference Committee, made up of senior members from the two Judiciary Committees would be long and hard. President Johnson not only opposes the anti-Supreme Court provisions of the Senate version but also those authorizing distribution of funds on a block basis to states.

Mr. Johnson has said the Senate version raises "grave Constitutional questions." But he has not threatened a veto.

L.B.J. UPSET

The President also has been upset by the Senate's refusal to give him a gun control bill applying to rifles and shotguns as well as pistols.

Senate passage came after two days of fighting over the wiretapping provision which liberal senators called a "deprivation" of the Constitutionally-guaranteed right of privacy.

But despite warnings the provision would lead to a "police state" the Senate overwhelmingly rejected efforts to kill or weaken it substantially.

Under it, Federal, state or local police could obtain a court order permitting wiretapping or electronic bugging to collect court-admissible evidence in nearly every type of major crime, including murder, kidnaping, robbery, extortion, narcotics violations and labor racketeering.

But, it would prohibit wiretapping by anyone other than a police officer and establish heavy penalties for violations.

[From the Buffalo (N.Y.) Courier-Express, Apr. 25, 1968]

DA'S NEED TO BARGAIN WITH CRIMINALS SCORED

Dist. Atty. Michael F. Dillon asserted Wednesday night that he is "abhorred" by the fact that he must "sit and bargain" with criminals and accept reduced pleas from them.

He blamed the situation on administration of criminal justice "that is bogged down in a morass of technicality and confusion," caused in a large part by the Supreme Court's emphasis on individual rights.

Dillon, addressing the Men's Sustaining Society of Mercy Hospital in Club Como, 1779 South Park Ave., declared:

"Upon reading about all the times Dist. Atty. Dillon has recommended reduced pleas, you might possibly think that your district attorney has gone out of his mind.

OBLIGED TO BARGAIN

"But every district attorney in every major city in the United States is obliged to bargain with the criminal element, and this is as abhorrent to your DA as it is to you."

Dillon said district attorneys must "bargain" if they want to obtain any kind of conviction because the courts are so bogged down with criminal cases that many defendants would go free for lack of prosecution.

He said Erie County's four county judges can try only 180 cases a year, yet on the average, 800 persons are indicted annually on felony charges.

"What do we do with the other 620 cases (that can't go to trial)?" Dillon asked. "We're in a position, regretfully, where we are forced to sit with criminals and discuss the best possible plea that we can get—not for the criminal—but for the people of the State of New York."

HIGH COURT ACTION SCORED

Dillon said that when he was first elected DA, "I was imbued with the need to preserve and protect individual rights."

But he added that the extent to which the Supreme Court has gone in this area "has created greater problems than the ones they were supposed to solve."

He maintained the system of administration of criminal justice "must be speeded up."

ENCOURAGING CRIMINAL

"We are naive if we believe that all of the technicalities designed to protect individual rights are not contributing to the increase in crime in this nation," he asserted. "The two great deterrents to crime are fear of exposure and fear of punishment, but under our system we are encouraging criminals to take their chances."

He cited the length of trials in comparatively minor cases, the number of pretrial hearings and other legal maneuvers which he said overlook the basic issue: "Did the defendant commit the crime with which he was charged?"

DILLON OFFERS PROPOSALS

Dillon said the system can be speeded up by eliminating jury trials in misdemeanor cases; by adopting the federal method of jury selection where the judge does most of the questioning, instead of lawyers; by shortening preliminary hearings so that they will determine only whether a crime was committed and whether the defendant was linked with it; by eliminating the "cumbersome" grand jury system, except for special investigations, and making DAs or the attorney general responsible for issuing felony indictments, and by abandoning the unanimous jury verdict in favor of the 10 to 2 system now used in Britain.

City Judge William J. Ostrowski installed the Sustaining Society's officers whose names were published in Wednesday's Courier-Express. John E. O'Byrne is the president.

CHECK FOR HOSPITAL

Martin Lawandus, chairman of Mercy Hospital's Century Club, composed of society members, presented a check for $4,663.90 to the Rev. Francis Krupa, hospital chaplain, for hospital use. Lawandus noted the funds were raised at the club's dinner last month and also announced that a Cadillac prize at the dinner was won by Richard Higgins.

Richard Morris was master of ceremonies, and William T. O'Connell was chairman.

[From the Washington (D.C.) Post, May 27, 1968]

SENATE'S VOTE ON CRIME BILL CONFIRMS PEOPLE ARE FED UP

The United States Senate has now confirmed by deeds what had long been visible just below the surface. This is that the people of this country are fed up with crime and disorder; dangerously fed up, if it comes to that.

The so-called "safe streets" bill passed by the enormous margin of 72 to 4 incorporates wise provisions and others, like the open-ended authorization for wire-tapping, that are debatable indeed and must bring grave disquiet to reasonable men.

For the House of Representatives to have adopted so uncharted a measure with so little real debate would have been one thing. That body invariably reflects the wider and wilder swings of public sentiment and in fact sometimes acts without much thought in unspoken awareness that the Senate will always be there to check its excesses. But for the Senate to move as it has now moved is a rare thing, the implications of which could hardly be more somber.

For the plain truth here is that this ordinarily careful and deliberative body has rebuked the Supreme Court of the United States in a way and to a degree that this Nation has never before known. For the Senate's bill in substance reverses key decisions of the Court which a staggering majority of Senators believe to amount to shackling the police and prosecuting officers. It is far more, then, than a vote against "crime." It is a vote of no confidence in the highest judicial institution of this country. President Franklin Roosevelt attempted half a lifetime ago to pack the Court to alter its views on economic matters. Now the Senate actually repudiates the Court for social views now formally found to be intolerable to the country's highest legislative institution.

It is the inevitable end to a gathering tragedy of which some observers had long warned, and warned in vain. For the law of physics that action provokes reaction is also the law of life; and the Court, by persistent rewriting of the Constitution to suit the personal views of most of its members has persistently invited what at last it has got—the positive enmity of the Senate.

The men on the High Bench have long refused to practice that self-restraint, that proper internal check on their own vast powers which it is their very highest duty to practice. So today, no matter how reluctant one may be to say it aloud, a constitutional crisis exists in this Nation.

To attempt any total inquest upon the Senate's motives is of course a difficult and iffy enterprise. Still it may be said to be likely, at the very least, that it has gone so far as it has gone in a general sense of frustration at endless lawless "demonstrations" which mock all notions of order and even perhaps in part because of the current presence in Washington of the Poor Peoples March.

It is not altogether irrelevant that even as the roll was being called in the West Wing of

the Capitol, 18 chanting "demonstrators" were being hauled away from a congressional office building.

That this is not the best possible emotional climate in which to legislate grave matters surely goes without saying. It is no less true, however, that the situation in this national capital, a situation in which bus drivers refuse to work at night in imminent fear of bandits and murderers, is a condition and not merely a theory.

This columnist predicted more than two years ago that the great sleeper issue of the 1968 presidential campaign would not be Vietnam but rather crime and disorder. No one can reasonably doubt this anymore. If only the campaign dialogue can proceed in rational calm we shall yet surmount this ugly problem. If not, if politicians who were once too permissive toward disorder now turn to extremist solutions, the road ahead will be gloomy beyond description. Firmness, yes; hysteria, no.

[From the New York Times, May 27, 1968]

PATROLMAN FRANK GUCCIARDI WILL NOT BE ON HIS BEAT TODAY

He is but one law enforcement officer victimized by increasing violence. Patrolman Gucciardi is now in St. Luke's Hospital with injuries sustained during the recent Columbia University demonstrations. He may never walk again. There are others.

How many more of New York's finest may not be on duty tomorrow or the day after that? How much longer can lawlessness and disorder be countenanced? How much longer can this or any city accept a paradox that gives a thug the right to purchase guns through the mail, while denying policemen the use of a nightstick to quell dangerous riots?

The police, today, face the most critical challenge in history. Crime and civil disobedience are taking on epidemic proportions. The streets, the colleges, the universities, our homes and personal safety are being threatened daily. Any law with which a demonstrator disagrees, becomes, for him, an invalid law. A city without law is a city in chaos, and no law is meaningful unless it can be enforced.

This advertisement is an effort to make you aware of the problems facing those men and women who have taken an oath to protect all the citizens of this community.

The police officer's job is vital. To operate effectively, he must know that he has the support of the people as well as the backing of the city administration. He must be considered an ally, not a villain in a drama he did not create. He must not be considered a creature outside the periphery of society. Yet, he and his family have become the targets of continued abuse, humiliation and personal threat.

The New York City Police Department must not be used as a tool for any man's self-serving ambitions. Political expediency has replaced total support for law enforcement. In the face of increasing civil disorder and violence, personal national image appears more important than the grace problems that beset this city.

As a result of current emergencies, the policeman has been asked to devote exhausting, hazardous overtime hours. But even after the lengthiest delays, he is arbitrarily given inadequate compensation in disregard of contractual agreements.

He works 12 straight hours under emergency conditions, but often the city does not even grant him time off for meals.

The policeman is continuously ordered to operate in areas other than his own precinct. This is known as "flying." For the police officer, it involves reporting to his own precinct, then traveling to a new assignment and reversing the procedure at the end of his tour. It means extra hours for which he receives absolutely no compensation. More important to the community, it leaves precincts undermanned and underprotected.

The policeman faces the stark realities of headlines that scream "Kill a Cop a Day," "Butchers," "Police Brutality." And yet, each day, he takes his place again as the first line of defense between an orderly society and mob rule.

The policeman is acutely aware of social and economic injustices. He walks among them every day. But *his* responsibility is clear and simple: to enforce the law as it exists and to protect each and every person against those who violate the law. He has exercised tremendous self-restraint in the face of extreme provocation . . . and he will continue to do so. But, when commanded to use restraint in the face of criminal acts, without being given viable alternatives to properly perform his duty, only anarchy can result.

If the police are not permitted to act effectively in the interest of all citizens, then no citizen is safe and the very future of this democratic society is endangered.

Patrolman Frank Gucciardi is involved. How about you?

PATROLMEN'S BENEVOLENT ASSOCIATION OF THE CITY OF NEW YORK,
JOHN J. CASSESE, *President*.

WE CAN'T PUT OUT FIRES AND DODGE BEER BOTTLES

Put yourself in our shoes for a minute. There's a five-alarm fire. Maybe half a city block is in flames. Lives are in danger. Possessions are going up in smoke. Walls are crumbling. Floors are caving in. People are in real trouble. We're used to handling scenes like this because we're firemen. It's part of our job.

If it were your place in flames you'd be plenty anxious for us to do our job. You wouldn't want anything to stand in our way.

But something is standing in our way. Bottles. Rocks. Bricks. Sometimes even bullets.

Why on earth anyone would want to keep us from doing what we're supposed to do is a pretty sick mystery. But it is happening.

When we answer a call in a depressed area, a few misled people start clobbering us. Sometimes they even take pot shots at us. We know neighborhoods like Harlem, Bedford-Stuyvesant, Brownsville and the South Bronx are no paradise to live in. But taking it out on the firemen is no answer.

Everyone is entitled to fire protection, and why should innocent people be deprived of it because of these senseless acts.

Things have gotten so bad in this city that the firemen need police protection. City Hall is going to have to stop fooling around and really find a way to solve this problem. We need consistent, adequate police protection to do our job. It's in the City's interest to provide it. Because when a fireman is hurt, everybody suffers. It means a man and his family are put through a lot of grief. And there's one less fireman around to protect your life and property.

You can help.

Write Mayor Lindsay and tell City Hall to give us the protection we need to do our job. If they don't come through now, the people who need fire protection most just may not get it.

UNIFORMED FIREMEN'S ASSOC.,
MICHAEL J. MAYE, *President*.

BIRTHDAY ANNIVERSARY OF VICE PRESIDENT HUMPHREY

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished senior Senator from Wyoming [Mr. MCGEE] relative to the birthday anniversary of Vice President HUMPHREY.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIRTHDAY ANNIVERSARY OF VICE PRESIDENT HUMPHREY

(Statement by Senator MCGEE)

As I look back, I find it somewhat hard to believe that the Hubert H. Humphrey who burst upon the national political scene in 1948 was but 37 years old. He was young indeed. Today, 20 years later, he is still a young man in every way.

Hubert Humphrey has accomplished a great deal, both before and after the events which brought him into public prominence. Always, he has been on top of the times, thinking ahead in order to improve this great country for all its inhabitants. It would be difficult, if not impossible, to name another individual who has proven to be a more dedicated and loyal servant of the public, or, for that matter, a more warm and real person to those fortunate enough to have personal contact with him. I know how we in this Chamber regard our Vice President; and I believe that the people of America on the whole have a similar, if less personal, regard for Hubert Humphrey. He has given them leadership tempered with the qualities of warmth and reality and will, I am confident, continue to do so for some years to come.

My own regard for Vice President Humphrey is immense. We are political allies, yes. He has been a wise counselor to me. But there is more, much more, to it than that. I have found that to know Hubert Humphrey is to like him well, to be excited by his energy and captivated by his mind. So I join Senators in a sincere happy birthday wish for the Vice President, with the hope that we are marking here today the beginning of a truly climatic year in his life—a year that I know would be highly beneficial to our country and its people.

JOSEPH W. MARTIN, JR.

Mr. SCOTT. Mr. President, Joseph W. Martin, Jr., who passed away this past March, was a legend in his own lifetime. He was an honored and beloved man whose influence was felt by all who came into contact with him during his career in public life. He answered to many names—Mr. Speaker, the minority leader, "Mr. Republican," and simply Joe. In all of those roles his guilding purpose was service—to his party, to the House of Representatives, and to his Nation.

His legislative career began in 1912 as a member of the Massachusetts House of Representatives. He was elected to the U.S. House of Representatives in 1924 and served continuously through the 89th Congress. He was the Republican leader of the House from the 76th to the 85th Congresses, and was Speaker in the 80th and 83d Congresses.

He first attended a Republican National Convention as a delegate in 1916. He was permanent chairman of the Republican National Conventions of 1940, 1944, 1948, 1952, and 1956.

I had the great privilege to know him and to learn from him both on the floor of the House and on the convention floor. I was first elected to the House of Representatives during the 1940 campaign of Wendell L. Willkie, which was managed by Joe Martin. As national chairman of my party during the Dewey campaign of 1948, I again had the great good fortune to work closely with Joe Martin.

Joe Martin was a very special person, and he occupies a special place in the

memory of everyone who knew him. His long and dedicated service will assure him a special place in the annals of American history.

WHO OWNS THE GAME?

Mr. HANSEN. Mr. President, this month's issue of Conservation News contains part 1 of an article entitled, "Who Owns the Game?" written by Ernest Swift.

In the article, the author pulls no punches and raises a clear warning to all States that wish to retain their traditional rights to resident fish and game animals.

I urge other Members of the Senate who have not done so to support the two bills now pending on this issue. They would clearly spell out the jurisdictional responsibilities of our 50 States. I invite their attention to S. 2951, introduced by the Senator from Nevada [Mr. BIBLE] and to S. 3212 introduced by the Senator from Arizona [Mr. FANNIN]. These bills already enjoy bipartisan support.

S. 3212 is presently cosponsored by the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from North Carolina [Mr. ERVIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mr. HOLLAND], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and myself.

I ask unanimous consent that the article entitled "Who Owns the Game," published in Conservation News of May 5, 1968, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO OWNS THE GAME?—PART I

(By Ernest Swift)

Authority of the states to manage and control all resident game and fish within their borders, as well as claim title to the same, is again being challenged by the Federal Government. This time it is by the Secretary of Interior regarding all wildlife species within the borders of Federal lands, and especially under the jurisdiction of the Department of Interior.

To the rising generation of young American sportsmen this may come as a new and startling usurpation of authority, having grown up with the snug theory that all resident game belongs to the state wherein it resides. But this issue has a long history of contention, going back at least fifty years. This challenge was responsible for the Migratory Bird Treaty Act with Great Britain and later with Mexico, thereby bringing to bear the treaty powers of the U.S. Constitution.

This challenge was again made by Secretary of Agriculture Henry Wallace during the depression years when he was going to set seasons and bag limits on the National Forests, issue permits for hunting, and charge for them under the one-time famous order G.20–A.

This order of Mr. Wallace threatening the rights of the several states to manage their own game, made the International Association of Fish, Game and Conservation Commissioners grow up over night and put on long pants. Under the able leadership of Seth Gordon, then Director of the Pennsylvania Game Commission and President of the International, the states gave Mr. Wallace such a rough time that he beat a hasty and not too dignified retreat.

For years this Federal versus State issue over who has title to wild game has smoldered under a cover of cold looking ashes, but the coals have never been extinguished. It appears as if those forces wishing to see the Federal government take over such jurisdiction have simply been laying back waiting to again fan the flames. To them the time seems ripe with more courts looking with favor on increased Federal controls and with an increasing number of landless people beginning to frown on hunting as a form of outdoor recreation and an age-old tradition of the American way of life.

But the implications are far deeper than appear on the surface. The first step would be to destroy title of the several states to the game residing on Federal lands within the boundaries of the states. This would quickly erode the power to finance state conservation operations through reduced license fees, especially in many of the western states where public land ownership is as high as 80%. In the eastern states this impact would not be so quickly apparent. However, the second step in wildlife ownership would be to pass legislation so that landowners could acquire title to game and fish on their lands or abutting waterways as is now and has been traditional in Europe for centuries.

This drive for landowners to obtain title to game and fish on their own lands has been a declared purpose of some agencies and organizations. If not formally documented, it has been so stated in speeches by their representatives.

So the timetable as contemplated by some of our federally minded politicians, bureaucrats and those who see wrong in hunting and fishing under the present system, is to destroy the state conservation agencies by drying up their source of revenues and next giving title to resident game to the Federal government on Federal lands and to private owners on their respective lands. In many states east of the Mississippi, hunting on private lands constitutes the bulk of that recreation as some states have little land of their own.

This is something for all state conservation officials, game wardens, game and fish biologists and even state foresters to think about, let alone Mr. Average Citizen and Hunter who for generations has been able to hunt on lands leased by his state, on Federal lands or by permission on private lands under the game seasons and license laws of his own state.

If the title of game finally goes to the individual land owners, the hunter may find himself checking on and off each farm and paying the landowner for each grouse, partridge, rabbit or deer that he shoots. He may have to do the same on Federal lands. The trapper may have to pay a percentage of his muskrat, mink and beaver take if his traps are staked on lands or water where private ownership is claimed. Such prophecies are not a silly exercise of unrealities; they could eventually become haunting facts.

The immediate case in issue resulted from the National Park employees killing some 15 deer in the Carlsbad Caverns National Park in New Mexico, and in direct violation of the laws of that state. The deer were shot as part of a research project. They were shot, their stomachs removed and the carcasses left to rot. Offers by the New Mexico officials to assist in the study and to issue collecting permits according to the laws of New Mexico were refused (let us say scorned) by the Park Service.

For at least three decades there has been a trend by some Federal courts and bureaus to diminish the powers of the states in both their social and commercial behavior, as well as advocating and attempting to assume jurisdiction of all resources on public lands, especially wildlife. Sadly enough this has come about in some instances because the states have sometimes failed to live up to their responsibilities, to pass constructive legislation and to make compacts among themselves.

In the case of water pollution many an honest "state-righter" has been forced to seek improvements through application of uniform laws passed by the U.S. Congress; but any failures on the part of the states in eliminating pollution has no bearing on the case in question. There is a growing arrogance that only the people representing the Federal government have the intelligence, integrity and know-how to steer the resource ship. They believe they are among the few of God's anointed that can plan and make no mistakes, that they alone sit on the right hand of Jehovah.

A Federal District Court judge recently ruled in favor of New Mexico, but the decision is expected to be appealed. The National Wildlife Federation has announced that it will intervene as a "friend of the court," if necessary, in this current court case to decide legal ownership of wildlife.

Thomas L. Kimball, Executive Director of the National Wildlife Federation has stated: "If the Federal government's claim to legal jurisdiction over resident game and fish prevails, then private landowners could conceivably claim a similar right—such a doctrine would lead to complete chaos and confusion in the protection, management and restoration of America's fish and wildlife resources."

(Part II will trace some of the common law and legal philosophies of fish and game matters as handed down to us.)

PRESIDENT JOHNSON AND WORKING LIBERALISM

Mr. BREWSTER. Mr. President, over the past weekend, President Johnson spoke to the International Ladies' Garment Workers Union, in Atlantic City. There were two main points in the President's address.

First, he drew an important distinction between merely talking about the progressive change and actually doing something about progressive change. As he phrased it:

> The essence of politics . . . is to find an administrative remedy for a rhetorical dilemma.

He urged his audience to demand an answer to the question of "How?" when they are asked for support by people who promise to solve the problems of America.

Second, he expressed the hope that the next occupant of his office, whoever he might be, would build on the record of accomplishment of the past. In his own words:

> I hope our next President will have just begun and will continue, as you have, to build, to heal and to unite the greatest nation in all the world.

These two points are extremely important to consider in this election year, and President Johnson, by pointing them out, has demonstrated that, although he has withdrawn from presidential politics, he has not withdrawn from national leadership in these challenging times.

THE URBAN INSTITUTE

Mr. MUSKIE. Mr. President, when President Johnson announced the Board of Trustees for the new Urban Institute, he gave notice that the Nation was mobilizing its best intellectual resources to

help find solutions to the grave problems that beset our cities. The uniformly high caliber of the men who will serve on the Board assures that a wide range of talent and competence will be brought to bear on our highest priority social problem.

Last December the President asked seven distinguished citizens to resolve basic issues concerning the role of the Institute to draft and file legal documents, incorporate the Institute as a private, nonprofit corporation, select a prestigious Board of Trustees, and recommend the best qualified man available for president.

The panel has completed its job, and the Institute has begun to work. The Board of Trustees is chaired by Arjay Miller, vice chairman of the Ford Motor Co. William Gorham, former Assistant Secretary of the Department of Health, Education, and Welfare, was chosen by the Board to serve as president of the Institute. He formerly served with the Rand Corp., and as Deputy Assistant Secretary for Defense. He has had long experience in problem solving analysis and methods. In addition to Mr. Miller and Mr. Gorham the Board includes:

William Friday, president of the University of North Carolina;

Eugene C. Fubini, vice president, International Business Machines, Inc.;

William H. Hastie, judge, U.S. Court of Appeals for the Third Circuit;

Edgar F. Kaiser, chairman, Kaiser Industries, Inc.;

Edward F. Levi, president, the University of Chicago;

Baylass A. Manning, dean, Stanford University School of Law;

Stanley Marcus, president, Neiman Marcus;

Robert S. McNamara, president, the World Bank;

J. Irwin Miller, chairman, Cummins Engine Co.;

Charles L. Schultze, senior fellow, the Brookings Institution;

Leon H. Sullivan, chairman, Opportunities Industrialization Center, Philadelphia;

Cyrus R. Vance, partner, law firm of Simpson, Thatcher & Bartlett of New York; and

Whitney M. Young, Jr., executive director, National Urban League.

There is common agreement that our large cities face two critical problems. The first grows out of sheer size. The second problem concerns the urban poor.

During the last several decades we have seen the movement of the affluent and middle-income people to the suburbs and their replacement by the poor who have crowded into our dense neighborhoods. Much of the inner city population is poorly educated, ill housed, inadequately served by outmoded health and recreational facilities, jobless or underemployed, alienated and hopeless. The fact that most are Negro or Puerto Rican heightens their bitterness and their deep feeling of isolation from American life.

Last year's civil disorders, and the more recent ones, are the tragic evidence of the alienation of the urban poor.

Faced with immediate crises and the need to act, public agencies are unable to devote time and resources to careful studies of urban problems and their causes and solutions, or to develop effective strategies. Ad hoc committees and special task forces are helpful with specific problems, but are too short lived to carry out intensive studies.

Mr. President, the Urban Institute will be permanent. It will mass high quality talent for thorough and continuing studies of city problems. It will build on existing knowledge and to add to our understanding of urban concerns by supplying useful data and exploring the complex relationships between problems and programs. It will devise coordinated plans for attacking the urban dilemma. The Institute will work with individual cities in establishing cooperative centers where its staff can help city officials in attacking local problems.

We have launched many programs to combat urban blight and human misery. The Urban Institute will undertake continuing, comprehensive and independent evaluation of Federal, local, and private programs to assure that they are being carried out effectively, that they can build on and profit from existing experience, and that they contribute systematically to a growing fund of knowledge on how to improve the quality of urban life.

The Urban Institute is no substitute for more direct efforts. The obvious needs of the cities for better jobs, education, housing, and health require immediate action. What the Institute can do is provide a continuing, independent resource for evaluating action programs to assure that public and private funds go into programs that show results. It can build a better foundation for new action efforts.

Mr. President, I welcome the establishment of the Urban Institute.

CRIME IN WASHINGTON

Mr. BREWSTER. Mr. President, 1 week ago today, a group of wives of D.C. Transit Co. busdrivers visited me in my office. They were upset by the fatal shooting of a busdriver a few days before and by the generally deplorable crime situation in the District of Columbia.

The busdrivers and their wives had a genuine and valid grievance. The action taken by the drivers in refusing to carry cash on night runs was a reflection of their concern.

Following my meeting with the wives of the drivers, I wrote to Mayor Washington and to Mr. O. Roy Chalk, president of D.C. Transit Co., urging that they take immediate steps to improve the protection afforded to busdrivers.

I regret that I have not yet received an answer from either the Mayor or Mr. Chalk. Equally regrettable is the fact that the situation is far from resolved in any way. The events of the past week—including the action by the drivers and the response of the company and public officials—have done little to provide assurance that this problem is nearing solution.

Mr. President, on May 24, 1968, the Washington Star published an editorial addressed to this subject. I ask unanimous consent that the editorial and copies of my letters of May 20, 1968, to Mayor Washington and Mr. Chalk be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Evening Star, May 24, 1968]

BREATHING SPELL

Washington's bus drivers acted with commendable restraint and good sense last night in averting, for the time being, a total, disastrous paralysis of transit service in the Nation's Capital.

This responsible decision, however, should not be misread. It was purely a temporary concession, agreed upon by a slim majority of the bus drivers solely for the purpose of giving the D.C. Transit System and city officials an opportunity to respond to their legitimate demands for greater measures of protection against assaults from armed robbers and thugs. The immediate response that is called for, moreover, is perfectly clear.

As a first step, the bus company should accede to the demand that evening and night passengers be required to have the exact change for their fares before boarding buses. This would eliminate the need for drivers to carry cash for change-making purposes during the hours of darkness when danger is most prevalent. The bus drivers have no desire to continue the present curtailment of night service, which is imposing severe hardships upon many people who rely wholly on buses for transportation. The drivers' refusal to set themselves up as targets for robbery during these hours, however, is completely understandable.

As far as the public is concerned, the exact-change proposal is hardly a radical concept. Those thousands of Washingtonians who use pay telephones every day either have exact change on hand before they enter phone booths or they don't make their calls. The same requirement applies, of course, to thousands of motorists every day who drop coins in parking meters.

The bus company apparently is convinced that such a policy, applied to buses, would result in a loss of fares. There is no solid evidence to sustain that fear. No one should be given a free ride on buses. Nothing would be lost, however, by invoking the new procedure on a trial basis. It might well prove both feasible and desirable, once the public is accustomed to the change, on a round-the-clock basis.

This, of course, is not the only available remedy. The idea of enclosing drivers in protective plastic shields, already widely discussed, should be pursued. Various types of alarm systems might be installed on buses. Perhaps change-making machines are another possibility. The police might well assign at least a limited number of additional unidentified, armed plainclothesmen to buses. The drivers' request for insurance protection agains felonious assault deserves consideration.

These are all subjects which the mediator appointed by Mayor Washington should explore with D.C. Transit in seeking positive commitments to resolve the dispute.

U.S. SENATE,
Washington, D.C., May 20, 1968.

Hon. WALTER E. WASHINGTON,
Mayor, District of Columbia Government, Washington, D.C.

DEAR MAYOR WASHINGTON: Today, a group of wives of D.C. Transit Company bus drivers visited me in my office. They were quite upset by the deplorable crime situation in the District of Columbia and its effect on their husbands.

The women brought forth many suggestions for improvements in the protection of bus drivers, particularly those whose assignments take them into certain parts of the city at night. I have written to Mr. O. Roy Chalk, president of D.C. Transit in this regard.

The posting of D.C. police officers—prob-

ably in plain clothes—on the buses was one of the suggestions brought up at today's meeting. It is my hope that you will give this prompt and careful consideration.

It is obvious that the Police Department in this city needs more personnel if it is to perform its functions effectively. You may be assured that a proposal to increase the size of the force will have my firm backing, and I stand ready to assist you in this area in any way possible.

With kindest regards, I am

Sincerely yours,

DANIEL B. BREWSTER,
U.S. Senator.

U.S. SENATE,
Washington, D.C., May 20, 1968.

Mr. O. ROY CHALK,
President, D.C. Transit Co.,
Washington, D.C.

DEAR MR. CHALK: Today a group of wives of D.C. Transit Company bus drivers visited me in my office. They were quite upset by the deplorable crime situation in the District of Columbia and its effect on their husbands.

The women brought forth many suggestions for improvements in the protection of bus drivers, particularly those whose assignments take them into certain parts of the city at night. Specifically these suggestions seemed to me to be worthy of serious study and prompt action:

1. Posting of private company guards on certain buses that travel through hazardous areas at night.

2. Reorganization of the fare payment system so that passengers pay their fares either by exact change or by means of tickets or tokens purchased in advance at specified locations.

3. Construction of protection shields behind the drivers cubicles so that drivers can not be attacked unexpectedly from the rear.

There obviously are many steps that can and must be taken by the District of Columbia government and its Police Department in the area of protection for bus drivers and other citizens alike. In that connection, I also am writing to Mayor Washington.

It is my hope, however, that the D.C. Transit Company will do all that it possibly can to help resolve this very difficult situation.

With kindest regards, I am

Sincerely yours,

DANIEL B. BREWSTER,
U.S. Senator.

DEVELOPMENT IN ALASKA AND THE QUALITY OF LIFE: MR. JOSEPH FITZGERALD'S NOTABLE COMMENCEMENT ADDRESS AT THE UNIVERSITY OF ALASKA

Mr. GRUENING. Mr. President, a thoughtful address was delivered at the University of Alaska commencement last week by Joseph H. FitzGerald, chairman of the Federal Field Committee for Development Planning in Alaska. It is entitled "Development and the Quality of Life." Quality is what Mr. FitzGerald chiefly emphasizes. He points out very penetratingly that Alaska's problems and needs differ from those of most of the lower 48 States. Alaska is a vast land, sparsely inhabited, with wonderful scenery and other natural resources and none of the problems of urban congestion which afflict the older parts of the United States. Most importantly, however, Mr. FitzGerald stresses that Alaska's "most urgent problem is people" and he goes on to indicate that the traditional "development" will mean little for Alaska if it is not used to improve the quality of life for Alaska's people and that there must be a direct attack on poverty and Alaska's lack of economic opportunity especially for the native people who are, as he correctly asserts "now largely outside the mainstream of Alaskan development."

This is a most worthwhile and wise appraisal and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEVELOPMENT AND THE QUALITY OF LIFE

It is more than thirty years since I left the campus and sought with high hopes to make a career in the midst of the greatest depression this country has known. I return to the campus today in a world that is darkened in a different way.

As the product of an inherited depression, my generation knew the despair and frustration of unemployment, the hopeless search for jobs that did not exist, the degrading experience of make-work relief projects. We lived in a nearly lifeless economy. The problem, so clear to us, was the need for stable economic growth. This we have in large measure accomplished, and the United States is today a nation living in unprecedented prosperity.

What we did not perceive were the equally pressing problems of minority groups, the structural poverty that holds our poor in bondage, or the need for the preservation of our environment so that it remains fit for human habitation. In retrospect, I can see that we suffered from a monumental blindness and that we leave a heritage that is a paradox—want amidst plenty and the absence of full equality in a democracy.

As graduates you are setting out with high hopes to make a career under inherited conditions of near revolution. Steeped in the atmosphere of our social problems, I am sure you have the understanding and the incentive to solve them. Yet I am equally sure that you will, in your turn, leave some problems untouched that will have to be resolved by the next generation. Predictably—for the generations do have a pattern—they will describe these problems as too long neglected by their parents and requiring solutions before it is too late.

In Alaska we have not escaped from the problems of our times, although I think they may be more tractable. Here the emphasis is economic, the development of the state and its natural resources. This emphasis must remain if we are to achieve a prosperous way of life for all our people. But there is another side to the coin, and we are becoming aware that development creates problems as well as gives the opportunity to solve existing ones.

The danger is that we may again ignore or lack the will to attack these basic problems. The development process poses the danger that we will pollute and desecrate our lands, our forests and streams, and the air we breathe in the same unthinking way as has been done in the older parts of our nation. On the other hand, the development process gives us the only constructive opportunity to solve the economic problems afflicting Alaska Natives and, to a lesser extent, others who are not sharing in our prosperity.

What is required of us is a clear view of the way ahead and a dedication by all of us to the proposition that development must go forward swiftly to provide economic opportunity, but that in the process the *quality* of life must not be lost. As an underdeveloped area where the land and its resources are just being brought into use, we have an unique opportunity to achieve this goal.

Thus, it is the interplay between development and conservation, and between development and how its benefits are shared—among Alaska Natives as well as others—that is so important. If these problems are successfully handled, the future strength and prosperity of the state is assured.

In working toward solutions, we must always bear in mind that these problems are not easy; that, indeed, they will test the full democratic process. These are not problems that are resolved by the contending forces of the market place. Nor are they problems for government alone. These problems will require the broadest public understanding and participation and will test the fundamental attitudes of each man and every group.

Although the driving force in our society is economic, I do not intend to dwell at length on a forecast of all the good things that can happen in the state. It is sufficient to point out that we are well launched on a series of developments that, if wisely managed, will assure Alaska's fiscal soundness and steady growth. This does not mean any lessening of our development efforts. The work of planning, programming and managing projects to keep abreast of the expanding economic system will be even greater; but the focus has shifted. We are no longer worried about the fiscal ability of the state to discharge its responsibilities. Rather, our first responsibility has become the need to assure the *quality* of the development. Thus, development must proceed in a way that solves our high unemployment rate; that lessens the seasonality of a burgeoning frontier economy; that brings Eskimos, Indians, and Aleuts into our society on the basis of full economic and cultural equality; and that assures for the future the kind of environment we desire for Alaska.

Turning first to our environment and its management, we find widespread confusion as to what environmental management means and why it should be so important. Too often it is launched under the banner of "conservation" but is taken to mean the narrow-minded meddling of people who oppose all development and who seek to limit land use to the one which they champion. If, on the other hand, we substitute for the word, "conservation," the phrase, "the wise management of land and its use in the long-range interests of the public," people are more likely to understand and more likely to accept the need for action.

As is so often the case in Alaska, our conservation problems are not those of the United States generally. In most of the states, population growth, especially in large urban areas, and heavily concentrated industrial complexes, combined with more than a century of unconcern, have resulted in the pollution of water and air to the point that it is creating a crisis of enormous dimensions. We do not have a large population in Alaska, and we are just beginning to develop a pattern of land use. The task, therefore, is not to reclaim our lands or purify our waters. It is to achieve proper management at the outset as we make initial use of our resources.

In concept, the task is clear enough. The problem arises in marshaling the forces to accomplish it. Effective public policy is easiest to achieve when it coincides with the immediate economic objectives of industry or some organized group. It is difficult when broad public welfare is seemingly opposed to these interests. In land use and resource development the pattern is mixed. In some cases, proper management practices are an essential part of effective development. In this category fall the efforts of government and industry to protect our fisheries from pollution that might otherwise accompany oil development or to protect our salmon beds from silt deposited by hydraulic mining, road development, or logging. The needs of our cities for pure water are also pressing enough to lead to sound conservation practices.

The area of major concern lies in the management of 99 percent of the lands in the public domain under state and federal control, lands which are in most cases virgin lands not yet committed to use. Here there are few economic forces pressing for a comprehensive long-range approach to land and resource management. Yet these lands are the priceless heritage of every American, exhaustible or inexhaustible, depending on what we do now to provide for the future.

Clearly we need a development policy consistent with sound conservation practices and one that is accepted jointly by state and federal agencies with broad public support.

What is such a policy?

Broadly speaking, there are two areas that must be considered. First, there are the uses of land traditionally associated with conservation—parks, wilderness areas, wildlife refuges, and recreation areas of many kinds. These are usually established in response to public demand in areas uniquely suited to such purposes.

In Alaska the magnificence of our mountains and wilderness areas sets them apart from anything else under our flag, and they are a *national* heritage, their development a *national* effort. So viewed, they may well become the cornerstone of a recreational and tourist industry that will provide more jobs than any other industry in Alaska. Here, over the long range, development and conservation have a happy coincidence.

What is needed now is an identification of a statewide system of parks, wilderness areas, wildlife refuges, and recreational areas, a blueprint which all governments can follow as funds become available. The success of these efforts will have a more profound effect on the future of Alaska than any other development effort that we can make.

But the bulk of public lands in Alaska will not be set aside for special uses. What is the answer here?

The undedicated public lands are the land bank upon which future population growth and development will draw. They will be needed for all the many uses that man makes of lands—uses that vary with time and reflect the rapid changes occurring in our civilization. Accepting, then, the premise that many uses will be made of the land and that these uses will vary in ways that we cannot fully foresee, it is clear that land management must be a continuing process, flexible in application, permitting present uses, accommodating to future uses, but always constraining use so that it does not become destructive.

We are moving in this direction today. Land management, often under the heading of multiple-use management, is the present goal of federal and state agencies. The logical progression is for us to achieve a common system of multiple land-use management applied by all state and federal agencies in an *agreed* pattern. Our hope is that we in Alaska can develop and protect, use and conserve, enjoy in the present, and will to the future the unspoiled lands of Alaska.

I have spoken of lands, but our most urgent problem is people. Development will mean little for Alaska if it is not used to improve the quality of life for our people. Specifically, it must be used in a direct assault on poverty and the lack of economic opportunity, especially for our Native peoples. They are now largely outside the mainstream of Alaskan development. Only a small portion of them have steady jobs, and the majority live a subsistence existence. While much has been done, it has been directed largely to the education, health, and general welfare needs of the people. As indispensable as these services are, they are only a partial answer. No less than full participation in our economy will permit any group of people to live the full life we regard as the right of all men.

As the growth of industry in Alaska will call for more manpower, it is reasonable to meet this need as fully as possible from an indigenous work force. We also believe that the experience of countless employers—private and public—over the years demonstrates the ability of Native peoples to fill a great variety of jobs and to take their place fully in the larger society.

But growth of job opportunities will continue to be largely in the cities such as Anchorage and Fairbanks. Here the problem is to break old patterns built upon the importation of skilled labor from other areas of the country and allow Natives to grow into all of our job opportunities and ultimately to fill their share of professional positions. While government may be helpful, this, I must stress, is for the communities to accomplish. I am sure that you understand that Alaska—like America generally—cannot, over a sustained period, have real prosperity unless it solves the problems of those who are left out.

In the final analysis, the way ahead is to control the *quality* of development so that it solves the problems of our people and of our land. Alaska has the resources to do the job. To harness them properly, we need only to achieve that broad public understanding and support that makes wise public policy possible. This is the problem of leadership for which I think your generation is so well suited. It is with a full sense of confidence that my generation welcomes you into the affairs of state to share the tasks ahead.

CRIME AND THE MARCH ON WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following news stories:

A story which appeared in the Evening Star of May 25, 1968, titled "Town Meeting Called as Sun Dries Tent City";

A column by Jenkin Lloyd Jones titled "Court Tips Constitutional Scales," which appeared in the Evening Star of May 25, 1968;

An article by Shirley Elder, which appeared in the Sunday Star of May 26, 1968, titled "Pay Raise, Riot Costs Put District in Squeeze";

An editorial titled "Mass Violence: Its Cause and Its Cure," which appeared in the Sunday Star of May 26, 1968;

An editorial from the Sunday Star of May 26, 1968, titled "A Tough Crime Bill";

An article in the Sunday Star of May 26, 1968, titled "Sunny Day Gives Residents of Resurrection City a Lift"; and

An article by James Welsh which appeared in the Sunday Star of May 26, 1968, titled "Complexities of Feeding Poor."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, May 25, 1968]

TOWN MEETING CALLED AS SUN DRIES TENT CITY—EVACUEES RETURN, PANELS ON RUNNING CAMP TO BE NAMED

Resurrection City was drying out today, and the residents who were evacuated during yesterday's rain were returning to the campsite on The Mall.

No demonstrations are planned for today, according to camp leaders. The poor people will spend the day on "inner group development," according to the Rev. James Bevel.

Activities for the weekend include a "town meeting" later today, at which permanent committees are to be appointed for the administration of the camp, Bevel said.

A SEA OF MUD

Estimates varied widely on the number of residents who spent the night away from the tent city—from a low of 25 to a high of 400. Bevel put the figure at 99.

The city was a sea of mud and standing pools of water yesterday, and even after a morning of sunshine the muck was still thick over most of the campground.

Bevel chided newsmen who, he said, "seem to think mud is the major issue here." He added: "If you would go to see where our poor people live you would see that they face it every day."

MORALE REMAINS HIGH

About 800 new arrivals for the Poor People's Campaign were being told to stay put in their temporary shelters in Montgomery County and the District until arrangements can be made for their move into the city, which the Rev. Jesse Jackson, "city manager" of the camp, yesterday said held 2,400 campaigners.

Construction of more prefabricated plywood shelters was expected to resume today, although John Wiebenson, the camp's architect, said it was not certain how many more huts are needed.

Despite the downpour—or possibly because of it—morale remained high among the marchers.

Amidst the mud and confusion, they found time for two demonstrations yesterday—one at the Agriculture Department, and another in front of the Connecticut Avenue apartment house where Rep. Wilbur Mills, D.-Ark., lives.

HOUSING DEBATE OPENS

While the demonstrators were concentrating their lobbying efforts on food and welfare programs, another of their demands—that slum dwellers have a voice in rebuilding their neighborhoods—was being considered in the Senate.

As debate on the Johnson administration's $5.2 billion housing bill opened, Sen. John Sparkman, D, Ala., discussed the poor people's demands.

One amendment to the housing bill, Sparkman pointed out, encourages neighborhood groups to take an active part in renewal planning, while another directs that builders hire local residents for reconstruction "when feasible."

A longstanding Negro complaint has been that many federally financed projects are built by workmen from white suburbia, while unemployment remains high in the black ghettos.

Meanwhile, in New York, plans were progressing for a massive demonstration here on June 19, which it is hoped will draw supporters of the campaign from all over the nation.

Bayard Rustin, organizer of the 1963 March on Washington, has been put in charge of the demonstration.

As the Rev. Ralph David Abernathy, head of the Southern Christian Leadership Conference, explained at a news conference in New York yesterday, the march leaders in Washington have their hands full with the day-to-day "plaguing" of Congress and federal agencies.

Rustin said the one-day demonstration will have the same goals as the Poor People's Campaign proper and said, "It will make specific demands which can, and must, be immediately translated into law by Congress and through executive orders."

Rustin said he would ask religious, labor, student and civil rights groups across the country to participate in the June 19 demonstration.

The date, Rustin explained, is known as "Juneteenth" among Southern Negroes, for it was on that date in 1863 that Texas au-

thorities, spurred by the Emancipation Proclamation five and a half months earlier, told Negro slaves they were free.

Those who moved out of Resurrection City during the down pour were housed in various churches for the night.

The first busload to leave the camp—50 to 55, mostly children—went to Mount Moriah Baptist Church at 1636 East Capitol Street.

The first thing the mud-soaked refugees did was line up for showers. The church has three showers in a small basement room and has been offering showers to Resurrection City residents regularly for the past week. In addition, up to 50 children have been sleeping there each night.

More than 100 demonstrators chanted and prayed in front of the Connecticut Avenue apartment house of Rep. Wilbur Mills for an hour yesterday evening. But Mills was not at home.

The chairman of the House Ways and Means Committee left the apartment house at 2701 Connecticut Ave. at 6:30 p.m., about 15 minutes before the marchers arrived.

Mills, accompanied by his wife, told reporters: "I've got a dinner to go to."

The orderly demonstration was led by Bevel and George Wiley, chairman of the Nationwide Welfare Rights Organization.

The purpose of the demonstration was stated by Wiley: "We want this racist bill repealed." He was referring to proposed cuts in federal welfare programs, which he said would "take food out of the mouths of poor people and force mothers to leave their children."

Many of the marchers were barefoot and splattered with mud from the rainsoaked streets of Resurrection City. As they marched up and down in front of the apartment house they sang freedom songs and sometimes chanted the slogans "black power" and "soul power."

"Wilbur Mills has snuck out of his rat hole and made a run for it," Bevel shouted to the demonstrators. "He's out getting drunk; but he'll be back."

Wiley then led the crowd in a prayer "for the heart and mind of Wilbur Mills," and when the marchers were informed that yesterday was Mills 59th birthday, they cheerfully sang "Happy Birthday."

Wiley and Bevel said the protest was only the first of a series planned to harass the congressman until "that racist bill is repealed."

Wiley said today the campaigners would continue their harassment of Mills with "hit-and-run action" similar to last night's protest. He said future demonstrations may not be announced beforehand, to avoid alerting the police.

"When he talks of cutting spending, he means cutting spending for other people, not for the likes of him," Wiley said. The demonstration broke up quietly at 7:45 p.m. when Asst. Police Chief Jerry V. Wilson showed up with two patrol wagons and informed the marchers they were blocking the sidewalks and would have to move.

The earlier demonstration yesterday took Poor People's Campaigners back to the Agriculture Department for the second day in a row to protest what the marchers feel are inadequacies in the surplus commodity and food stamp programs administered by the department.

About 75 demonstrators marched silently around the department's administration building on Independence Avenue, and were met at the Mall entrance by J. M. Robertson, administrative assistant to Agriculture Secretary Orville Freeman, and Harold Lewis, director of public information.

REFERENCE TO $227 MILLION CITED

Referring to Freeman's response to the first protest on Thursday, Jackson said, "He (Freeman) used a lot of long words to say short things."

Jackson made repeated references to $227 million that Agriculture will turn back unspent to the Treasury this fiscal year. He said the entire sum should be released to the poor, not just the $60 million promised Thursday by Freeman.

He particularly criticized Freeman's assertion that the federal food programs must be administered through state and local officials.

"That means that people in Sunflower County must get help through Eastland," he said, referring to Sen. James O. Eastland, D-Miss. "They say they can't locate the poor to administer programs to reach the hungry. But the Selective Service boards have no trouble finding our young people."

Jackson drew loud applause from the marchers when he shouted: "We are going to stay in Washington until we get our food."

Then he led cheers for "soul power" and, as the crowd knelt in front of the Agriculture building, Jackson prayed for "racism to be relieved, no more shoeless children, no more jobless men, no more children destroyed in the game of war."

Capping the demonstration, Jackson and other leaders went inside to talk with department officials, while marshals led the marchers around the building singing.

COURT TIPS CONSTITUTIONAL SCALES

(By Jenkin Lloyd Jones)

When 80-year-old Hugo Lafayette Black unloaded on his fellow Supreme Court justices during his Columbia law school lectures this spring, he said nothing that hadn't been said with more or less profanity by myriads of lawyers and legislators before him.

But here was a man in the twilight of his years, gone well beyond the need of political favor or personal approbation, who, as he put it, was filled with "fear for our constitutional system." And he tagged his brother justices for the peril.

Said Justice Black:

"Power corrupts, and unrestricted power will tempt Supreme Court justices just as history tells us it has tempted other judges. Given absolute or near absolute power, judges may exercise it to bring about changes that are inimical to freedom and good government. . . .

"I strongly believe that the basic purpose and plan of the Constitution is that the federal government should have no powers except those that are expressly or impliedly granted and that no department of government—executive, legislative or judicial—has authority to add to or take away the powers granted or denied by the Constitution. . . .

"I deeply fear for our constitutional system when life-appointed judges can strike down a law passed by Congress or a state legislature with no more justification than that the judges believe the law is 'unreasonable.'"

In recent years, and particularly since the accession of Chief Justice Earl Warren and the appointment of justices more famous for social activism than awe of the law, the court has come to regard itself, not as a protector of rules, but as a creator of them.

The difference is fundamental.

It was 165 years ago when in the case of Marbury vs. Madison, the court seized the right to strike down federal statutes that appeared to contravene the intent of the Constitution.

It was a reasonable seizure. After all, you wouldn't have much of a constitutional system if Congress could nullify any part of it with a simple vote. Someone had to make subjective judgments of what the Constitution meant, and who better than the highest court?

Until the Warren court came along, when justices split, they generally did so over diverse interpretations of the letter of the law. But the Warren court was characterized by its determination to widen the First, Fifth and Fourteenth Amendments by interpretations that hadn't occurred to previous courts.

The court's defenders have argued that in a rapidly changing society the court is simply keeping up with the needs of the times and that the process of amending the Constitution is so slow that the interest of the people would not be served by waiting for it.

But a process for amending the Constitution does exist. And it would be interesting to see how many state legislatures would approve an amendment that would force employers running sensitive defense plants to hire members of known subversive organizations, or an amendment that would force police to release a confessed rapist if so much as a night intervened between his arrest and arraignment.

Yet the Supreme Court accomplished these wonders by simply interpreting the Constitution in novel and hitherto-unthought-of ways.

Dean Roscoe Pound of Harvard put it well a few years ago when he remarked that the trouble with the court was "absolutism." In the court's effort to achieve absolute justice, according to the personal beliefs of its majority, the law vanishes and a system of decrees and edicts takes over.

All sincere dictatorships operate on the same theory. "The law is supposed to be good for the people. I think this is good for the people. Ergo, this is the law."

There seems to be no logical substitute for the Supreme Court as the last word in the interpretation of the Constitution. But the flippant theory that "the law is what the Supreme Court says it is" must have some limitations if a system of law is to survive. If the Supreme Court persists in its apparent drive to nullify the Congress as it pleases, and to direct the performance of the Executive Branch, then we no longer have a workable separation of powers. America may be driven to ratifying a series of constitutional amendments so clear in wording and so specific in intent that the court would have to deny the meaning of the English language to override them.

Our system of checks and balances is worth preserving.

[From the Washington (D.C.) Sunday Star, May 26, 1968]

PAY RAISE, RIOT COSTS PUT DISTRICT IN SQUEEZE

(By Shirley Elder)

District officials, caught in a new budget squeeze, are looking for a way to pay their bills.

Two pay raises, one enacted last year and another last week, must be paid out of funds for the current budget year, which ends June 30.

The largest check, $9.4 million, will cover pay boosts retroactive to last Oct. 1 for District police officers, firemen and teachers. The city already has set aside $5.6 million in this year's budget for these increases, but it does not have the other $3.8 million.

FIVE MILLION DOLLARS MORE NEEDED

Another $5 million has been requested from Congress to meet classified and wage board pay raises enacted as part of the federal pay bill.

That $5 million item is included in supplemental budget pleas presented to Congress over the last several months.

Also listed are requests for $2.4 million in funds for summer youth programs; $150,000 for a criminal law review commission; $1.2 million for increased court costs including police overtime; $744,000 for a 450-bed alcoholic rehabilitation center and $873,000 for 23 portable classrooms in the Fort Lincoln urban renewal area.

It adds up to more money than is available. All Congress has to work with is $6

million left over from the $70 million authorized for the federal payment.

In addition, the city faces $3.5 million in bills growing out of the April riots here, and the resulting loss of tax revenues which has been estimated at about $6 million over a year.

Further expense connected with the Poor People's Campaign and additional police overtime ordered by Mayor Walter E. Washington has not been computed.

PROGRAM CUTS STUDIED

City officials are exploring how to get out of this money trap. Since pay checks always come off the top—city employes get their money if any money is available at all—other programs may have to be cut.

Although budget officers, speaking their own language of figures and balance sheets, always can find pockets of unspent cash, it does seem likely that some "non-essential" areas will be cut.

One of the possibilities under study is a freeze on new hiring, but that wouldn't help much for the one month remaining in the current fiscal year.

Where to find the additional funds will be one of the topics Tuesday when city officials appear before the House Appropriations subcommittee for the District.

The meeting was called to hear comments on budget amendments, not additions. By shifting things around, the District can make money available—if Congress approves—for expansion of the Federal City College, creation of a citizens' information service at the District Building and renting additional office space.

[From the Washington Sunday Star, May 26, 1968]

MASS VIOLENCE: ITS CAUSE AND ITS CURE

Violence is no new experience to humanity, and nothing new on the American scene. Violence is, in the words of Rap Brown, as American as cherry pie. And in a sense this is true. The draft riots of the 1860s, the labor violence of the 1920s and 30s, the race riots of 1919 and 1943, all are a part of the American heritage.

But there is difference between those dark pages of history and the violence that grips this country—and the world—today. Those earlier outbreaks, some of them more bloody than anything we are witnessing now, were fought over specific, limited and conceivably attainable goals. There was an industry to be unionized, a bonus to be won, a job to be protected against a laborer who would work for less.

Today, violence sweeps the campuses of America, Europe, South America and the Orient. Today, the Negro populations of the inner cities from coast to coast indulge in orgies of arson and looting. Today, thousands of the poor converge on Washington in what is intended to be a nonviolent protest—but which carries with it the very clearly expressed threat of violence.

There is one clear thread that binds these seemingly separate, far-flung protests together. None of them involves a clearly defined target or a precise goal. The students at Columbia protest the building of a new gymnasium; the work is halted and the violence spreads. The ghetto inmate rails against "the system" and "the man." The poor marcher demands an end to poverty and condemns "the establishment." Each of them knows in generalized terms what he is against: The status quo. None of them can say what he is for, except for change. And yet, in support of such insubstantial causes, millions the world over are prepared to march, to destroy, to burn, to give up their freedom and, some of them, to kill or to die.

There are, almost certainly, individuals and groups within the major protest movements whose aims are not at all vague and whose motives spring from the doctrinaire teachings of the standard works on world-wide revolution. Some Negro extremist leaders go out of their way to proclaim their kinship to Che Guevara and Ho Chi Minh. The Students for a Democratic Society were quite precise in their selection of targets for the disruption of Columbia University.

But the fact that a few self-styled leaders fancy themselves to be the black man's Castro, or that a handful of ideological misfits band together to make life miserable for a university, is quite beside the point. Crackpots are nothing new in any segment of our society. What is new is the fact that the sparks given off by these disciples of dissension have fallen on tinder, and have taken fire. A disruptive demonstration by a handful of SDS members at Columbia spreads to include thousands, most of whom neither know nor care about the issues involved. A student protest in France is taken up by 10 million laborers, and the nation is brought to its knees. The venomous, divisive words of Brown and Carmichael find a growing audience.

There are obvious differences in the protest of the university undergraduate and the school dropout in the ghetto, between the poor people's march and the Paris uprising. But there is one basic and very important similarity: Each is a cry of despair, an expression of alienation from society, a demand for participation. These are cries that should be heeded.

The first obligation of any social order, be it a university, a city, the United States or the Free World, is to protect itself from destruction, to continue to function and to preserve order within itself. The second, and coequal, function of any democratic society is to accept change when it is warranted, and to assure all of its members a participation in the decisions that affect their lives.

If the reaction of society to violent protest is limited to the restoration of order—if the goal becomes nothing more than preservation of the status quo—then that social order has ceased to function properly. The protest against it will inevitably grow in volume and in violence, and eventually order will collapse and chaos will prevail. That, in essence, is what the protesters are saying has happened. It is up to society, by opening functioning lines of communication with the alienated segments, to prove that the protesters are wrong.

This most emphatically does not mean that the president of Columbia should resign and that the direction of the university should be handed over to the undergraduates. It does not mean that the cities should be delivered to the mob. It does not mean that the nation's poor should be assured that citizenship is the only requirement for participation in the abundant life; that industry, incentive, education and ability are completely beside the point. It does not mean that age and experience and the accumulated knowledge of preceding generations should be discounted, and that the world should be entrusted solely to its youth.

It means that a dialogue must begin between the established and the alienated, a dialogue in which the present stewards of society listen to the grievances, explain established practice and discuss the results of alternate proposals. It means a dialogue in which the alienated must be challenged to offer something more than the destruction of the existing order, some detailed social structure that would be substituted for that which now exists.

The result of such a dialogue must be knowledge on the part of those who now rise in protest that they are, in fact, participants in their society, and a realization that they have a considerable stake in its preservation.

The student in today's overgrown university is too often not a contributing, active member of the academic community. He is a number; a series of magnetic impulses in a computer. Many citizens—particularly the uneducated, underemployed and overexploited—feel the same antagonistic remoteness of the governing core that directs their destinies.

The solution must lie in a decentralization of those functions of community government that bear most directly on the lives of its members. For the student this may mean a greater voice in curriculum, and in the disciplinary function of the university. For the alienated adult, it implies a greater effort on the part of local authority to involve all citizens in the future of their communities and to make clear the desirability and the necessity of social order.

Not long ago, a slogan writer came up with a saying that caught on in a big way. Thousands of buttons and countless walls carried the message: "I am a human being. Do not fold, spindle or mutilate."

Today, that wry joke has taken on a deadly seriousness.

[From the Washington Sunday Star, May 26, 1968]

A TOUGH CRIME BILL

The anti-crime bill which has been adopted by the Senate is equipped with sharp teeth. The anguished outcries and the flagrant misrepresentations by its opponents should remove any doubt on that score.

It is not our contention that this bill is right in all respects or that it cannot be improved upon when it goes to conference. We think it can be improved. But to say, as some do, that it is a spiteful assault on the Supreme Court or that if it becomes law it will no longer be safe for a law-abiding citizen to talk on the telephone or converse with his wife in the privacy of his home is nothing but nonsense.

The attack on the bill moves along two main lines. One thrust says that the effort to modify the Supreme Court rulings in the Miranda and two other cases is unconstitutional. This is disputed by the sponsors. But there is no reason for panic on this score. If the section in question is unconstitutional, the Supreme Court will have opportunity to say so.

The second line of attack is aimed at the authorization under what seems to us to be adequate safeguards for the use of wiretaps and electronic listening devices by federal authorities. In our view, this authorization was broadened on the Senate floor to cover too many types of crimes. We would prefer to see this cut back to the offenses spelled out in the original bill. Two points, however, are worth noting. One is that the Senate approved this authorization by a vote of 68 to 12. Are the critics seriously suggesting that 68 senators want to set up a police state in this country? The other is that, under the bill, all private bugging for the first time is made a federal crime.

The critics hope, first, that the House conferees will not accept the Senate bill, and, second, that the President will veto it if they do.

What the conferees or the President will do is anyone's guess. The obvious fact, is however, that the bill sponsored by Senator McClellan of Arkansas is a response to a massive public demand for protection against crime and criminals. This bill, perhaps with some modification in conference, should become law. And the self-appointed constitutional experts should leave that issue to the court.

[From the Washington Sunday Star, May 26, 1968]

SUNNY DAY GIVES RESIDENTS OF RESURRECTION CITY A LIFT

Warm sunshine lifted the spirits of the residents of Resurrection City yesterday although thick mud still pulled at the feet of strollers along Martin Luther King Plaza and Abernathy Boulevard.

After a week of nearly continuous rain and cold nights, the demonstrators who have come to Washington for the Poor People's Campaign took advantage of the sunshine for housekeeping chores and recreation.

At the large circus-type tent where the campaigners eat, broom-swinging youths cleared out the mud that had accumulated over the past few days.

Other residents of the West Potomac Park encampment, who previously had rarely ventured outside the snow fence marking the boundaries, went to nearby grassy areas to sit under the trees and listen to transistor radios.

Two members of the U.S. Park Police were kept busy trying to prevent youthful demonstrators from swimming in the Reflecting Pool, which is alongside the northern boundary of the camp.

Inside the camp, the two main streets named for the Rev. Dr. Martin Luther King and his successor as head of the Southern Christian Leadership Conference, the Rev. Ralph David Abernathy, were still thick and oozing, although side streets and lanes seemed to be drying faster.

The small, A-frame plywood huts proved themselves through the rain and wind that buffeted them through the week. With their plastic doorways open to the warm sun, most of the huts seemed dry inside.

The residents seemed to be in a good mood and could be heard joking about the rain and mud.

Sand, gravel and sawdust have been promised for the streets of the camp, but it has not been delivered.

At Xaverian College in nearby Maryland, a construction worker said wooded walks were being built in 16-foot sections for the camp.

Abernathy, leader of the campaign, has been living about three miles from the camp—at the Pitts Motor Hotel. He showed up at the site yesterday afternoon wearing the blue denim uniform of the campaign and highly polished shoes.

He waited outside the fence until an aide brought overshoes, and then walked down the muddy street to meet with other members of his staff in the camp's city hall.

Later, he held a press conference and said he felt the first week of demonstrations had been successful.

"So far we have taken limited action, but in spite of limited action," he said, "we have already won an agreement from (Agriculture) Secretary (Orville) Freeman."

He said some $227 million which would have been returned to the U.S. Treasury had been released by the Agriculture Department to furnish food from surplus for needy persons in the nation's 266 poorest counties.

"We consider this a victory," he added, "but we are far from satisfied. And we will continue to press that department until adequate food is provided for everyone."

In a reference to arrests on Capitol Hill on Thursday when a group of demonstrators went to see Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means Committee, Abernathy said:

"This arrest was unfortunate in that I was not the first to be arrested. These activities around Congressman Mills' office will be intensified because we are concerned about the welfare mothers of this nation."

Abernathy then promised that in the future "there will be no demonstrations that I do not lead . . . that is, until I am jailed."

Abernathy told residents of the camp here they are eating better "than you have ever eaten in your life. You may have a drier shelter than you ever had before. You certainly have the finest in dental and medical attention."

Abernathy had just returned from New York City, where he had met with Bayard Rustin, director of the A. Philip Randolph Institute. Rustin, organizer of the 1963 March on Washington, will also organize the Poor People's mass demonstration here scheduled for June 19.

Abernathy said that Sterling Tucker, Washington Urban League director, will be the Washington march coordinator and the go-between for the campaigners and the federal and local governments.

After his press conference, Abernathy walked over to the Lincoln Memorial, where he spoke with about 200 members of the Council of Black Clergy of Philadelphia.

The Park Police asked if the group had a permit to meet on the steps of the memorial. The reply was "no," and the police said the meeting would be permitted as long as it didn't block the steps.

PLANS MORE SHANTIES

"This permit business, we're getting tired of it," Abernathy grumbled. "We are gonna build more shanties out here, and if we don't have enough room we are gonna go out and take some more."

He turned and gestured to the green, open land on the north side of the Reflecting Pool and added, "We might take some over there." The group applauded.

Abernathy said the campaigners did not come to Washington to get bogged down in the problem of running Resurrection City.

"There are a lot of people who would like to see us get bogged down in the mechanics of running a city. If we can live in mud in Mississippi and with rats and roaches in New York and Philadelphia, we can stay in mud here."

The 15-acre site has now reached its capacity of 600 housing units and the present population is estimated at 2,300. The capacity population under the Park Service permit is 3,000.

Abernathy said that only about 100 of the city's residents had signed up to leave the camp Friday during the rain in response to invitations to stay in homes and churches. He called this a demonstration of "the kind of strength the people of the city have shown."

There was no word on when some 800 other campaigners who came into the city Friday would be moving into the camp. This group, made up of Mexican Americans and American Indians, has been staying in churches and schools in Maryland and the District.

Another group of 35 marchers from California, not part of one of the official caravans, arrived yesterday. They were housed in a Washington church.

SYMPATHY MARCH

As residents of Resurrection City enjoyed their day in the sun, more than 1,000 of their sympathizers in Mobile, Ala., marched several miles through rain-slickened residential streets yesterday, singing and chanting their support of the Poor People's campaign. There were no incidents.

A little closer to Washington, in Charleston, W. Va., about 500 persons who had been attending an all-day Appalachian poverty conference paraded seven abreast down Kanawha Boulevard to the State Capitol, and announced that four busloads of them would leave Thursday to join the Washington demonstrators.

The enthusiastic and orderly crowd at the Charleston conference heard the Rev. Andrew Young, assistant director of the SCLC, tell them not to be afraid of Washington's jails. "You eat better there than you do at home," he said according to the Associated Press account.

Abernathy was asked what he planned to do between the June 16 expiration date of the Park Service permit for the camp and the June 19 demonstration date. "We will try to get an extension to the permit," he answered.

Abernathy is to preach a sermon at 8 p.m. today in New York Avenue Presbyterian Church. That church has given SCLC office space for the campaign.

The Park Service has issued a permit for use of the Lincoln Memorial for a Memorial Day Concert by the National Symphony Orchestra in honor of King.

King's widow is to narrate a performance of the "Lincoln Portrait," by Aaron Copland, and choristers from Morehouse College in Atlanta and Howard University will sing.

[From the Washington Sunday Star, May 26, 1968]

COMPLEXITIES OF FEEDING THE POOR

(By James Welsh)

The job of feeding thousands of participants in the Poor People's Campaign has settled down to a fairly smooth, if complex, operation.

About 3,000 poor persons already have come to Washington for breakfast, lunch and dinner for an indeterminate period.

Their hosts, at mealtimes, are a conglomerate of Washington area chain stores, food manufacturers, churches, educational institutions, public and private agencies and dozens of volunteer workers.

The feeding of Resurrection City's residents, marked by considerable confusion at first, is becoming more like a routine procedure.

For the short term, at least, enough financing and food is assured. About $1 per person a day is going toward food for the campaign's participants.

More uncertain is what will happen should the Southern Christian Leadership Conference and its followers decide to stay around much longer than June 16, or should their demonstrations get out of hand. These possibilities would pose hard decisions for some of the people running the food operation.

Joseph Danzansky, head of Giant Food, is in charge. In his words, he "kind of fell into this" as the result of heading up the Washington Urban Coalition's ad hoc committee on emergency food following last month's civil disorders.

Once the scope of the task became clear, Danzansky sent out an appeal to other food chains active in the Washington area. Six of them—Giant, Safeway, Grand Union, A & P, Food Fair and American Stores—pledged $1,000 a week for four weeks. Jumbo Stores and Consumer Co-ops signed on for smaller amounts. The Washington Hotel Association donated $5,000.

Washington's baking industry is donating 850 loaves of bread a day and the milk industry 1,500 half-pints of milk a day. In addition, through surplus Department of Agriculture supplies, the District Public Welfare Department has available an unlimited supply of a limited variety of basic foods.

"Now," said Danzansky, "the ball seems to be rolling for national participation."

Heinz Products has donated about $10,000 worth of soup and beans. National Biscuit Co. has come forward with other products.

"They came to us on their own," said Danzansky, "but it gave us the idea to send the word out to other national manufacturers."

Danzansky estimated that $40,000 in money and produce is available, with the cash funneled through the Health and Welfare Council. Church organizations have raised more money for food—most of it so far has gone to feed people as they stopped in the Washington area before going into the encampment.

Planning the meals, ordering and obtaining the food, preparing it, delivering it to the site and serving it is no idle operation. Nearly 200 persons are engaged in it.

SCLC's man on the scene is Kenneth Brown, a management consultant from New York who is volunteering his time. He and his staff oversee the logistics of getting the food to the site and distributing it. About 50 persons at the tent city help serve meals.

Danzansky has four of his Giant Food staff working full-time on such jobs as order-

ing and purchasing food. They are augmented by others on loan from Safeway, Grand Union and Hot Shoppes.

Three dietitians are at work on the campaign, one from the welfare department, the other two at Howard University. Residents of Resurrection City usually get cold cereal, fruit juice, rolls and a beverage for breakfast, a sandwich, fruit, cookies and a beverage for lunch, and a hot meal in the evening.

The meat-and-potatoes portion of the hot meal comes from the Howard kitchens. The vegetables are prepared by volunteers at St. Stephen and the Incarnation Episcopal Church. About 50 volunteers daily prepare sandwiches at St. John's Academy on Military Road. From all these points, trucks rented by SCLC take the food to the camp.

Some of the early arrivals complained that the food was too bland. Steps have been taken to correct this. Said SCLC's Brown:

"Over at St. Stephen's now, they're preparing the soul food—soul beans, soul peas."

What's soul food, Mr. Brown?

"Oh, you know, heavy on the seasoning, a little more pepper, red pepper, hot peppers, some ham or bacon."

Brown expressed belief that "we're doing pretty well," adding that much of the success is due to "a lot of local cooperation."

Danzansky and his group agreed to take on the feeding operation until June 16, when the site permit expires. Their other conditions were that the feeding be limited to the site, the campaign continue in a nonviolent fashion and that it remain "within the law."

Said Danzansky: "We have an out." He added quickly that he doesn't know at this point if or under what conditions he would exercise the "out." He said he is trying to stay away from politics of the movement, sticking to the "meeting of a human need."

Asked about the same thing, Brown said: "People have to eat, regardless of contractual agreements." He expressed belief that those involved in the feeding operation are "in deep enough they're going to be making this thing go" whatever the circumstances.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce, the Committee on Public Works, and the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the provision that the recess not extend beyond 1:15 p.m. today.

The motion was agreed to; and thereupon (at 12 o'clock and 42 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:08 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia in the chair).

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The Senate resumed the consideration of the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 2 hours on the pending amendment, an hour to each side, the time to be equally divided and to be controlled by the distinguished Senator from Texas [Mr. TOWER] and the distinguished Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object—and I do not intend to object—it is my understanding that the Senator from Massachusetts [Mr. BROOKE] is on his way to the Chamber and would like a little time. Could we give him 15 minutes and then start the controlled-time situation on the amendment when Senator BROOKE has concluded?

Mr. PROXMIRE. I would be happy to give Senator BROOKE 15 minutes from our side.

Mr. TOWER. That is satisfactory.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time not to be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be reinstituted with the understanding that the time shall not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 1052. An act for the relief of Nicholas S. Cvetan, U.S. Air Force (retired); and

S.J. Res. 168. Joint resolution to authorize the temporary funding of the emergency credit revolving fund.

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The Senate resumed the consideration of the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

Mr. PROXMIRE. Mr. President, I am happy to yield 15 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. I thank the Senator.

Mr. President, in 1949, the Congress established as a national goal, "a decent home and a suitable living environment for every American family." Last March, the Civil Disorders Commission reported flatly:

After more than three decades of fragmented and grossly underfunded housing programs, nearly six million substandard units remain occupied in the United States.

The Banking and Currency Committee has reported to the Senate a bill which is designed to mobilize both public and private resources to achieve in the next decade that goal set 20 years ago. As a member of both the Civil Disorders Commission and the Committee on Bank-

ing and Currency, I wish to express my full and complete support of S. 3497.

S. 3497 can only be described as landmark legislation. It is recognition of the urgent need for decent housing and the comprehensive effort required to meet this need. It is also the product of nearly 2 years' effort on the part of the members of the Housing Subcommittee, Mr. President. I am not a member of the subcommittee, but I am fully aware of the long hours spent last summer and fall working out the provisions of S. 2700 most of which are incorporated in S. 3497. Recognizing both the seriousness of the present situation and the failure to meet previous goals, the subcommittee reviewed all existing housing legislation and adopted a large number of modifications and revisions. Building on the experience of existing housing programs, the committee authorized new programs and new approaches. As finally reported, S. 3497 represents a comprehensive review and revision of Federal housing programs as well as a series of carefully prepared new programs.

Mr. President, both in subcommittee and in the full committee, there was long and healthy debate about the details of this bill, but there was no debate about the need for the bill. Since the commencement of hearings last July, events have served to underscore the necessity for legislation. A public opinion survey taken shortly after the disorders of last summer found that in the minds of the ghetto residents themselves, lack of decent housing was the single most important reason for frustration and despair. The Civil Disorders Commission Report, issued this past March, provided the statistics to support this reaction: Nationwide, it said, the number of nonwhites living in substandard housing actually increased between 1950 and 1960. Despite the fact that 4 million of the 6 million substandard units were occupied by whites, 16 percent of the urban nonwhite population occupied substandard housing. Negro housing units are more likely to be overcrowded; they are generally older than whites', and Negroes usually pay more for the same housing.

But what is perhaps the most dramatic plea for housing comes not from a group to which housing is ordinarily a primary concern but from the National Education Association. In a letter to the chairman of the Banking and Currency Committee, NEA said:

> The best education program, the most highly trained and motivated teachers, and the shiniest new equipment will do little for the child of poverty if he must return to a rat-infested hovel, a one-room apartment illuminated by a single, naked, glaring overhead light; a home in which noise, clutter, and overcrowding rob him of rest, comfort, and any chance for growth as an individual personality.

Mr. President, this is the critical trend which forces us to review old programs and to devise new ones which will truly change these conditions. S. 3497 contains numerous modifications of existing programs, and I will only take time here to review a few. Section 106 authorizes the Secretary of Housing and Urban Development to provide technical and financial assistance to nonprofit sponsors seeking to provide low- and moderate-income housing. Nonprofit sponsors—unions, church congregations, civic groups—are rich in good will but poor in both technical knowledge of housing construction and in capital.

As the Senate is well aware, I have been critical of FHA administration of programs involving nonprofit sponsors. I have found that FHA has sometimes alienated the nonprofit sponsor by entangling him in a web of redtape and requiring him to provide capital which, in a nonprofit situation, he cannot be expected to have. Section 604 authorizes the Secretary of Housing and Urban Development to provide special assistance to nonprofit sponsors. This includes technical assistance and information as well as interest-free loans, financed from a revolving fund, to cover such costs as architectural and engineering fees, land options, and so forth. With the assistance provided by section 604, programs involving nonprofit sponsors should operate more smoothly, providing more housing in less time.

I have also been critical of FHA's unwillingness to insure and finance projects in our Nation's center cities, the very areas where the housing need is most critical. Section 103 of the pending bill specifically authorized FHA to insure properties in declining urban areas if, in view of the need for adequate housing, these areas are found to be reasonably viable. To finance this higher risk effort as well as some of the bill's new program's, a special risk insurance fund is established by section 104. These two provisions constitute a clear recognition of the urgent need for center city housing, and a directive to HUD to build that housing.

Among other modifications of existing programs is the section 102 credit assistance and counseling program for those families presently unable to qualify for participation in FHA programs. The process of urban renewal will be changed to stress the concept of neighborhood development which allows urban renewal to be conducted on an incremental basis. This will prevent the razing of entire center city areas, which has turned some cities into oversized parking lots. In another important innovation, the committee took a long, hard look at income limitations established for existing programs.

It is apparent that those who benefit most from low and moderate income housing programs, such as 221(d)(3), are those whose income is closet to the maximum allowable. Accordingly, in order to make sure that the new homeownership and rental programs benefit those for whom they are intended, the committee decided to focus the program on lower-income families by placing an income limit of 70 percent of the 221(d)(3) level on 80 percent of the units. In Boston, for example, this means that a family of four or less with an income of $5,700 would be eligible for assistance in renting or buying a home. A smaller number of four-member families with incomes as high as $8,200 would also be eligible for some subsidies, since 20 percent of the funds would be allocated according to the higher income standards of the old 221(d)(3) program.

S. 3497 contains a number of new programs, but the two which I feel deserve special mention are amendments to the National Housing Act, the section 235 homeownership program and the section 236 rental program. The concept of homeownership for those of low- and moderate income was first brought into prominence before the Senate by our dedicated colleague, the junior Senator from Illinois. Since then it has been endorsed by the Civil Disorders Commission, the President's Committee on Urban Housing, and the Department of Housing and Urban Development.

The proposed homeownership program incorporates features of established programs but emphasizes a new principle. That principle is the concept that homeownership can be of far greater benefit to the poor than a mere roof and four walls. Homeownership can be a source of pride and stability, influences that will extend to the homeowner's job and family life. In addition, the homeownership program is the first to incorporate features which allow the active involvement of the individual in a Federal Housing program, through the use of "sweat equity" and through personal responsibility for maintenance and repair.

The bill's homeownership program and rental program are established on a similar basis. Experience has shown that under the 221(d)(3) program the Government is able to finance only a limited number of mortgages at the below-market interest rate. Accordingly, the new programs involve market interest rates, for which private financing is available, and Government assistance takes the form of direct assistance and interest-reduction payments. These programs incorporate the feature of the rent supplements program which requires an individual to pay a percentage of his income. This feature has the advantage that the individual's payments increase as his income does, but a raise in income does not require his eviction from his home.

Under section 235, the homeowner would pay 20 percent of his monthly income for principal, interest, taxes, and insurance on the mortgage. The difference between 20 percent of the homeowner's income and the amount actually required to meet the mortgage would constitute the amount of the Government assistance payment, except that the assistance payment could not exceed the difference between the amount required and the amount which would be required if the mortgage bore interest at 1 percent. Under the section 236 rental program, interest-reduction payments would be made on behalf of the sponsor to make up the difference between the monthly amount actually required at the market interest rate and the amount which would be required at a 1-percent-interest rate. Rental in this housing would be established as a basic charge; tenants would pay either the basic charge or 25 percent of their income, whichever was greater. Any excess over the basic charge paid would be deposited in a revolving fund. The 236

program offers flexibility in both financing and rental charges which should contribute to the production of housing at a much higher rate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent to have 3 additional minutes.

Mr. TOWER. Mr. President, I yield 3 minutes of my time to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the return to private market-rate financing is but one of numerous examples in which S. 3497 recognizes the necessity for and the benefits of participation by the private sector. Title IX authorizes the creation of a National Housing Corporation, a private, profitmaking corporation, the purpose of which is to build low-income housing. The Corporation is authorized to establish limited partnerships for the purpose of engaging in low- and moderate-income housing undertakings. Title IX offers the advantage of stimulating participation by private business with its skill, organization, and funds, which have not yet been tapped in full measure for housing programs.

Mr. President, S. 3497 contains many other new programs and revisions of existing programs, and there are others more expert in these details than I. I would only wish to state once again that this bill represents the collective effort of the committee to establish the best possible housing programs for the Nation as a whole. It is the product of earnest and thoughtful study. It represents a major step forward in a vital field.

Mr. President, the report of the Civil Disorders Commission called for action in four areas—jobs, housing, welfare, and education. All four are essential; one cannot be effective without the other three. But inadequate housing is the visible, tangible symbol of the cycle of poverty and deprivation. Its deleterious effects are felt in the daily life of every single one of our Nation's poor. S. 3497 provides the tools which, backed by the will of the Nation, can begin to erase the blight of substandard housing.

Mr. President, I thank the distinguished Senator from Texas for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 15 minutes.

Mr. President, section 101, title I, of S. 3497 would authorize a new program of assistance to enable lower income families to own their own homes. This would be done through a new mechanism that would allow the Federal Government to subsidize part of the monthly cost of a market rate home mortgage loan.

Such payments would be made monthly by the Government directly to the mortgagee on behalf of the mortgagor.

A family would be required to apply 20 percent of its monthly income to the cost of its monthly mortgage payment, such payment including principal, interest, taxes, and a mortgage insurance premium. The Government's subsidy payment would be in an amount equal to the difference between the family's 20-percent payment and the required monthly payment under the mortgage.

However, in no event could the Government's payment exceed the difference between the required monthly mortgage payment and the payment that would be required if such mortgage bore an interest rate of 1 percent. In other words, it would be possible for a family to receive the benefits of a 1 percent interest mortgage as a result of the Government's subsidy.

Mr. President, my amendment pertains to the determination of eligibility for the homeownership programs' subsidy benefits. It would define as being eligible those families whose incomes do not exceed 70 percent of the income limits presently established for the section 221(d)(3) below-market interest rate rental and cooperative housing program. The bill as now written would allow 20 percent of the assistance payments contracted for to exceed the 70 percent of 221(d)(3) limitation.

For reasons which I shall hereinafter state, I firmly believe that this program should not be allowed to extend government subsidy benefits to families with incomes at those levels now permissible under the 221(d)(3) BMIR program.

I applaud and support our committee's efforts to bring about a way whereby our Nation's lower-income can participate in the great American tradition of homeownership. The committee's chairman and its members have worked long and hard to formulate an appropriate mechanism that would serve to close the gap between the incomes that typify those of our citizens that have limited financial means and the market cost of a reasonably necessary home mortgage loan.

It is our collective opinion that a direct month-by-month subsidy payment is the most practical way to implement this assistance. But, I expressed my exception in our committee meetings to the far-reaching scope of the program's subsidy benefits, and I urge that every Senator weigh this matter closely in his own mind.

There must be a strong and compelling need to support the giving of a Government subsidy, especially at this time when our Government finds itself in very serious fiscal and monetary difficuties. In the area of housing, such subsidies should not be given to families who are capable of housing themselves on the private market through their own efforts.

If Government assistance is to be freely available without a determination of true need, not only will we be subsidizing the undermining of individual initiative and responsibility, but we will allow such money as is available for this purpose to be directed away from those in deserving circumstances.

Eligibility for the homeownership program's benefits is based on the amount of a family's income, its size, and the city that it lives in. As I have already noted, this criteria is set out in the eligibility tables for the section 221(d)(3) BMIR program.

This FNMA-backed, low interest rate, program was enacted in 1961. It was to be strictly limited to those individuals and families whose incomes exclude them from standard housing in the private market. The program was to benefit families with incomes too high for public housing, mainly those with incomes of $6,000 or less. This Government-aided housing was not to compete with housing where such aid did not exist.

Program experience has shown this not to be the case. Unjustifiably liberal income limits have allowed projects constructed under the program to cater to middle income families, not those at the lower income levels.

Thus, the Government has in fact been supporting housing for those that should be expected to handle their own housing needs.

This is all relevant because the new homeownership program in this bill will utilize the 221(d)(3) eligibility tables, and I invite every Senator's attention to these tables for insight into this question of who should be subsidized by the Government.

At page 183 of the committee report will be found a table with some examples of eligible family incomes listed by city and family size. The table also shows the comparable eligible income in each instance for benefits under the rent supplement program. These limits can be readily interpreted as "low income" as they are based on public housing admission levels.

When we talk of "lower income," as in this bill, I think we should hold this to represent those families whose incomes are to high for public housing but too low to allow them to purchase decent and sufficient housing on the private market with their own financial resources.

Rather than allowing the Government to subsidize families in the middle income area, which is certainly the case in 221(d)(3), we should concentrate the benefits of this program on those lower-income families that can demonstrate their capability to handle the responsibilities of homeownership if given a helping hand. By so doing, I anticipate that qualified families with annual incomes generally $5,000 and less would be the recipients of program benefits.

The 70 percent of 221(d)(3) income limitation that I propose in my amendment would be more than reasonable in this regard. While I personally feel that it would prove to be high in many instances if not implemented prudently, it would not, in my opinion be so inflexible as to hamper the program's operation in the higher cost areas of the country.

It is stated that the bill's eligibility formula is expected to generally cover families with annual incomes from $3,000 to $7,000. The 70 percent limitation would be well in line with this estimate. The predecessor to this bill, S. 2700, wherein the lower-income homeownership was originated, contained the 70 percent of 221(d)(3) income eligibility requirement. This reflected the committee's feeling that the full 221(d)(3) limits were too high to serve the needs of lower-income families.

Experience with the 221(d)(3) BMIR program has clearly shown that benefits tend to concentrate at the higher end of any given eligibility limits. If this were allowed to happen in the homeownership

program, deserving lower-income families would be bypassed due to the economic attractiveness of building homes to serve the higher income levels.

Projects constructed under this government-supported 221(d)(3) program in my Texas City of Dallas give ample evidence of its misdirection. For example:

A couple with one or two children can make $7,550.

A couple with three or four children can make $8,700.

A couple with five or more children can make $9,800.

Even if the 70 percent of 221(d)(3) eligibility were applied,

The couple with one or two children could make $5,285.

The couple with three or four children could make $6,090.

The couple with five or more children could make $6,860.

I digress at this point to make a personal reference. The last year that I was assistant professor of political science at Midwestern University, my salary was $5,000 a year. I was raising three children and paying for my own home at regular market interest rates. So I cannot have much sympathy with the idea of subsidizing homeownership for people of moderate incomes.

Let us help the ones with low incomes, and let us make sure this program does precisely that. Even 20 percent, in my estimation, is too much to devote to the aid of moderate income families, when it is the destitute, the impoverished, the poor whom we are trying to benefit here.

In either of these instances, 70-percent limitation or not, Government assistance is, and would be, available to income groups fully capable of providing for themselves without having to rely on their government.

According to 1966 census figures, the median annual income of American families was $7,400. This figure ranges from approximately $5,600 in the South to $7,300 in the north-central region. The average factory worker in the Dallas area makes about $5,300 a year.

Notwithstanding these typical incomes of families who pay their own way in life, the 221(d)(3) program, in essence, says that they should be subsidized. This is insupportable, in my opinion, and this new program should not be allowed to compound this gross misuse of the taxpayer's money.

The higher income levels represented by the full 221(d)(3) income limits are typical of the country's great middle class. It would be grossly unjust to allow the Government to subsidize families with such incomes. It would be equally unjust to enact a program to remedy the housing needs of thousands of our Nation's lower-income families, and at the same time make it susceptible to benefiting families capable of providing for themselves.

By any measurement, the vast majority of American families are capable of supporting their housing needs. Those families that are least able to procure decent housing are concentrated in the deteriorated neighborhoods of our cities. Some 75 percent of all substandard dwellings are occupied by families with annual incomes of $4,000 or less.

If this program is to make a contribution to the replacement of this rundown housing, there is all the more reason to use restraint in the setting of eligibility limits. Some 28 percent of our country's families have incomes of $5,000 and under. If the program is concentrated on this 28 percent, we will certainly be reaching out for those in true need of assistance.

Should the program instead reach out for those families with incomes up to $7,000, there would be covered some 46 percent, or almost half, of all our families. In my opinion, it is insupportable to conclude that nearly one-half of all this country's families should rely on their Government for their housing needs.

This is to say nothing of subsidizing those with incomes up to $10,000, which would be possible without the 70-percent limitation that I propose. Approximately 70 percent of this country's families are in this income category.

It should be pointed out that whatever income limits we decide upon, there will still be a large degree of flexibility in favor of the benefited family. These income limits are for initial eligibility purposes only. Once occupancy has commenced, a family's income could increase beyond these limits, and income would be recertified every 2 years to adjust the subsidy downward.

In addition, $300 could be deducted from a family's income for each family minor for eligibility purposes. And, the eligibility level is increased according to the number of persons in the family.

Thus, the setting of the initial eligible incomes should be approached with more caution than is evident in the bill. There is far more to support moving the limits down than there is to set them at the higher levels asked for.

The "Declaration of Policy" which prefaces the bill calls for Government assistance for families with incomes so low that they could not otherwise decently house themselves. If the setting of the program's income limits is not approached with prudent restraint, we will both miss the target of our concern, our Nation's poorer families, and encourage more and more of our citizens to look to their Government as their only means of being housed, contrary to everything our system stands for.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. I yield such time as necessary to the Senator from Ohio.

Mr. LAUSCHE. I heard the Senator state that a family with a $10,000 income, under certain circumstances, would be eligible for the aid.

Mr. TOWER. That is true, under the provisions of 221(d)(3).

Mr. LAUSCHE. Will the Senator illustrate that, please, if he can?

Mr. TOWER. For example, a family of three or four persons, under the maximum limit under 221(d)(3), would be eligible for the program if it made an income of $6,750 a year, at Austin, Tex. The amount varies according to the city.

Let us look at one a little closer to Cleveland. Let us take Milwaukee, which is very close to the State of the distinguished Senator from Wisconsin. There a family of three or four persons having an income of $8,000 could be eligible within full limits. But they would be eligible at $5,600 if the formula were applied at 70 percent of the existing section 22(d)(3) limitations.

Mr. LAUSCHE. Approximately what percentage of the families of the Nation do the $5,600 income families constitute?

Mr. TOWER. Does the Senator mean in that salary range?

Mr. LAUSCHE. Yes.

Mr. TOWER. About 28 percent of the families are in the $5,000-or-under bracket. Those in the $3,000 bracket constitute 14 percent; $3,000 to $5,000, 14 percent; a total of 28 percent.

I am trying to make certain that all the money earmarked in the bill will go to the lower income families and that none of it will be allowed to gravitate up to the moderate income families.

Mr. LAUSCHE. Where would be the dividing line?

Mr. TOWER. The dividing line would vary from city to city. For a family of two persons, it would vary anywhere from an income of $4,000 in Austin, Tex., to about $5,215 in New York City.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. MILLER. I should like to ask either the Senator from Texas or the Senator from Wisconsin what constitutes income. Is it income for Federal income tax purposes as shown in an income tax return? Or would it include an inheritance that a member of the family might receive? Suppose a family has an income of $5,000 as shown on the Federal income tax return, but that a relative of one of the family passes away, and the family receives an inheritance of $25,000.

Also, would the income include gifts? Let us say that in the disposition of an estate, a low-income family receives a gift from a parent or other relative in the amount of $2,000 or $3,000.

I should like to be satisfied on this point. I raised this point 2 years ago in the debate on the rent-supplement bill. In fact, I offered an amendment on this point. The distinguished former senior Senator from Illinois, Mr. Douglas, declined to accept the amendment. Although he rejected it, I am happy to say that the Department of Housing and Urban Development, apparently as a result of a reading of the debate, issued regulations which made it clear that inheritances and gifts of substantial amounts would be taken into account in possibly disqualifying a person from eligibility.

As a matter of legislative history, we ought to make this point clear. Certainly the taxpayers should not be called upon to have their tax money used to pay subsidies to people who can afford to pay for their homes themselves. As I understand, the entire thrust of the bill is to make certain that families in low-income areas, who cannot afford to make such payments, will receive some assistance from the taxpayers to enable them

to attain decent housing for themselves.

If, however, outside sources of economic income, such as inheritance or gifts, are not taken into account, I think then that we would frustrate the purposes of the legislation.

Could either of my colleagues satisfy me on that point?

Mr. TOWER. Mr. President, I believe that the income referred to as gross income would include income from all sources.

Mr. PROXMIRE. Mr. President, the staff is busily working on an answer to the question of the Senator from Iowa. The definition that we have available from HUD on definition of income indicates the following:

For an employee receiving a straight salary or wages and whose rate of income is subject to change due to promotions, etc., a determination based upon the previous 12 months' earnings might well be erroneous. For such persons, the annual income must be proven on the basis of the current rate of pay at the time of certification.

I think that the Senator from Iowa makes a good point, and I understand that the Senator from Texas is probably correct. However, I would like to check further to see if it includes not only pay, but also gifts and inheritance and any other source of money that would be available.

There is the difficulty that a man or a woman might receive a small inheritance of perhaps $1,000 or $2,000 in 1 year. Obviously, it would not be fair to disqualify that person if that is a one-time situation.

It certainly ought to include any regular income from pension or from interest in property, or anything of that kind. There is no question about that. However, whether it should include a small inheritance, I am not sure, and I am checking now to find out.

Mr. MILLER. Mr. President, I would appreciate it if the Senator could furnish that information. In addition, if there is a feeling that the income shown on the Federal income tax return—and adjusted gross income is what almost everybody refers to in their income tax returns—should be the test, then of course we would be faced with the possibility of someone who might receive a substantial amount of money in the form of interest. So I think it is very well for us to try to close any loopholes here.

Mr. PROXMIRE. I agree with the Senator.

Mr. MILLER. I agree with my colleagues.

Mr. PROXMIRE. However, in connection with the point made by the distinguished Senator from Texas, he was correct. I have in my hand a document on the stationery of the Department of Housing and Urban Development, Federal Housing Administration that specifies that—

Tenant income means all of the gross income before taxes and all deductions received by all members of the family except a dependent child or children.

The only exception provided here is for a dependent child such as one working in a car wash or some such establishment 1 day a week. That income is excluded, but any other income is included in the definition.

Mr. MILLER. It is good from the standpoint of the legislative history, which we are making, to make sure that we are talking about all gross income for Federal income tax purposes. It has long ago been decided that Federal income does not include inheritance or gifts. However, the thrust of the pending legislation is something else. It goes into the economic status of the people.

It would seem that gross income for the purpose of subsidizing these low-income areas for decent housing ought to reflect the economic type of income which, to the average person would not include inheritance and gifts.

Mr. PROXMIRE. Mr. President, I am now informed by the staff that they have been in touch with the Department of Housing and Urban Development. The Department says that they would take into account all income, including that from gifts, inheritance, and any other element in determining whether a prospective tenant or buyer would qualify.

Mr. TOWER. That would include income from tax-free bonds.

Mr. PROXMIRE. The Senator is correct. However, most of the people with the kind of income the Senator from Texas is talking about would not have any investment income. However, the point raised is a good one.

Mr. MILLER. What we are trying to do is to meet the needs of those who need assistance. And if we can make sure of what we are talking about by way of legislative history, as we have already done, I think it would be helpful to the taxpayers in general and also to those who have to administer the law.

Mr. TOWER. The whole thrust of my argument is to make sure that we dedicate all of the money to helping those people in the lower socioeconomic scale. We are trying to avoid having that program gravitate upward toward the more moderate-income family.

Mr. MILLER. Mr. President, did I correctly understand the Senator, in response to the question of the Senator from Ohio, to say that the area to which he is trying to confine this average represents about 28 percent of the population?

Mr. TOWER. The Senator is correct. That is, 28 percent of the families.

Mr. MILLER. Can the Senator tell us what additional percentage would be covered over and above the 28 percent under the bill as it now stands without the pending amendment?

Mr. TOWER. Mr. President, 80 percent of the money would be confined to that 28 percent. However, there is a provision that 20 percent of the money can go to the full 221(d)(3) limit. And if it is applied over the whole bill, 46 percent of the families in the country would be eligible.

Mr. MILLER. The point of the Senator is that we should confine the impact of the bill to the area embracing 28 percent of the families. I assume that we have enough problems with that 28 percent without going above that to get into the area of 46 percent average.

Mr. TOWER. The Senator is correct. And 46 percent is the minimal figure. Forty-six percent of the families have incomes up to $10,000. And when we take the full coverage under 221(d)(3), it could easily hit 50 percent or more of the families in the country.

Mr. AIKEN. Mr. President, I ask a question which might affect industry decentralization. If industry moves to less populated areas where there is no housing and if they pay their employees anywhere from $5,000 to $10,000 a year, would those employees be eligible for assistance under the bill or under the pending amendment? Of course, I have specific instances in mind in which potential employees cannot rent or purchase a house.

Mr. TOWER. Again, the income would be the determining factor, and that determination would be made by the Secretary.

Mr. AIKEN. Let us suppose that the pay amounts to anywhere from $5,000 to $10,000 a year.

Mr. TOWER. There are programs that they can benefit from, other than this program.

The Senator is assuming that they want to build houses and own homes?

Mr. AIKEN. They want a roof over their heads.

Mr. TOWER. But do they want homeownership?

Mr. AIKEN. I think so.

Mr. TOWER. Other channels for homeownership are available to them.

Mr. AIKEN. They cannot rent houses. There are none there for them to rent. They have to build if they want a house in which to live.

Mr. TOWER. I believe that if an industry located a sizable plant in an area where there was inadequate housing, that industry would devise some means to make sure its workers were housed. Otherwise, it could not attract the workers it needed.

Mr. AIKEN. I wish that were true.

Mr. TOWER. It seems to me that that responsibility would fall on industry.

Mr. AIKEN. It takes time to solve those problems. It cannot be done overnight.

Mr. TOWER. If this does occur in Vermont, I am sure that a little Yankee ingenuity would take care of it, anyway.

Mr. AIKEN. Yankee ingenuity is working at it. But when the banks have loaned all their available money and houses are not available to rent, it creates a problem.

At the same time, I know the Senator from Texas also undoubtedly advocates the decentralization of industry, to get away from the merciless crowding into the cities, for which we are paying a price.

Mr. TOWER. The eligibility requirement for a family of three or four persons in Burlington, Vt., would be an income of $7,350.

Mr. AIKEN. Under the Senator's amendment or under the bill?

Mr. TOWER. Under the formula I propose, approximately one-third, or 30 percent, would be taken from that amount. It would be in the area of an income of $5,000 or $5,200 for eligibility.

Mr. AIKEN. Let us say that that would be a bare minimum anyway.

Mr. TOWER. This is graduated upward, according to the number in the family.

Mr. AIKEN. That takes time, too.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

Mr. President, the amendment of the distinguished Senator from Texas expresses the same sentiment that I strongly feel. As a matter of fact, I introduced an amendment to the bill as it came from the administration to reduce the incomes of those people who would be assisted to buy their own homes so that it would be at a level of only 70 percent of the present so-called 221(d)(3)—that is, the low- and moderate-income program. However, when I introduced that amendment I was persuaded that in order for the program to work—especially for this program to work in the ghetto areas, which concerns every Member of the Senate so much—it was necessary to provide some flexibility. So I provided in my amendment that whereas 70 percent of BMIR income should be the limit for 80 percent of the applicants, for 4 out of 5; for the overwhelming majority of the applicants, 20 percent, 1 out of 5, would be free to have HUD permit a higher level than the 70 percent of 221(d)(3).

I agree very strongly with the Senator from Texas that Congress should not subsidize rental or homeownership for any family which can help itself. I believe that is a good principle. It is a principle we should apply, and it should be applied to the greatest extent possible. But to have a workable program that will do something about the ghetto areas, especially in the areas where sites are important—incidentally, the sites are just unavailable in the ghetto areas—it is necessary to provide this degree of flexibility.

I wish to stress at this time that every family under this program will be required to pay at least 20 percent of its income in buying the home. Of course, in addition to that 20 percent, as all of us who are homeowners know, many other costs accrue, to the homeowner in addition to the basic costs of paying for the mortgage, amortization, and essential costs of buying a home.

Mr. President, this definition under section 221(d)(3)—that is, the below-market interest rate income ceiling for that level of income needed by the family to afford decent housing in that area.

I know this has been a subject for criticism by some persons who point to New York City where a large family, in order to have a home, has to have an income of perhaps $10,000. This $10,000 has been applied generally throughout the country as the limitation. However, if we were to apply it rigidly according to the Tower amendment, without exception, it would exclude some families in high-cost areas, where the family lives in slum housing, and cannot get into a decent home without at least a little help from the Federal Government. In those instances the income is not high enough to afford ownership without some financial help.

I shall refer to some examples, which might be the best way to understand the program. New York City has been the most flagrant example. In New York City, applying the 70-percent figure, in the case of the man who makes $75 a week, the wife of the man in that situation works and she makes $70 a week, because people with low incomes usually have to have the wives working. We know how many millions of American families there are in this situation. They have four children. Under this program they would not qualify in New York City. With that income, with the wife working, and with four children, it would be virtually impossible for them to be able to buy housing in New York City.

I would refer to the city of San Antonio in the State of my good friend from Texas. In that city, if a man is making $50 a week, which is below the present Federal minimum wage, and if his wife is making $50 a week, and they have four children, they would be out of luck. They could not qualify under the Tower amendment to secure any degree of help from the Federal Government. The Senator from Texas is far better informed with respect to housing there. However, when there are four children and the income totals $100 a week or $5,000 a year, whereas 30 or 40 years ago that was not bad, these days one cannot buy housing according to the experts who have gone in and studied this problem.

I wish to give another example for San Antonio. In the case of the family of six persons, two adults and four children, the man makes $60 a week as a short-order cook—that is the kind of job where they would have that pay—and the wife earns $50 a week as a maid, again they would not qualify to get an opportunity to buy their own home.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall yield in a moment.

The bill in its present form provides that 80 percent, or 4 out of 5, of the families who are going to be eligible must have incomes below the 70-percent limit to come into the program, but there is a little flexibility. There is a 20-percent flexibility for HUD to do something about the ghetto areas, and where the location is such that without the flexibility they could not buy a home.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. I might point out that I do not have the figures for San Antonio. However, the figures for Dallas are roughly comparable, but perhaps more expensive. Seventy percent under 221(d)(3) would allow families of five and six persons to qualify with an income of $6,000. That income is arrived at after deducting $300 for each dependent child.

I would like to raise this question for the Senator from Wisconsin in connection with helping the ghettos. According to the President's Commission on Civil Disorders, the survey they made showed that in 20 cities experiencing rioting in 1967 the median family income in disturbance areas was for whites, $3,300 and for nonwhites, $4,218.

It occurs to me that the lower we get the more we are going to help the nonwhite families.

Mr. PROXMIRE. I have two answers. First, 80 percent of the program would go exclusively and entirely to very low-income families. Second, it must be recognized there are some people, and the figure runs into the millions, who will not be able to afford to buy homes even if the interest rate to be effective were down to 1 percent. There are some who will have to rely on rent supplements and rental housing. All Americans cannot have adequate income to buy their own homes. However, it seems to me we would be ruling out many hard-working people with low incomes who should be enabled to qualify.

Mr. LAUSCHE. Mr. President, will the Senator yield so I may ask a question?

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. Do I understand that 80 percent of the money will be earmarked to help what is referred to as low-income families?

Mr. PROXMIRE. All of the income will be used to help people with low income, but 80 percent will be to help those whose income is so low it is only 70 percent of the level necessary on the basis of the best scientific advice we have of what it takes to buy a home in the free market.

Mr. LAUSCHE. The other 20 percent will be allowable to families which are above this most humble classification. Is that correct?

Mr. PROXMIRE. The Senator is correct.

Mr. LAUSCHE. How is it to be decided to which of those 20 percent this money is going to be given? What will be the situation if the 20 percent of the money is not adequate to take care of all of the applicants?

Mr. PROXMIRE. There is no question that all of the applicants will not be taken care of on the basis of the 80 percent or the 20 percent.

Mr. LAUSCHE. On what basis would it be?

Mr. PROXMIRE. It would be on the basis of those areas most in need of housing, where unavailability of sites is such a serious problem.

Mr. LAUSCHE. Would it not follow that if 20 percent will not be adequate to take care of all the applicants, next year you will have to provide more money so that all who apply will be taken care of?

Mr. PROXMIRE. We have not had any housing program in the past to take care of all of those who need assistance. As the Senator knows we have over 8 million substandard homes. We cannot expect to take care of all of these with any one program.

We are trying primarily to help those with low incomes that would not otherwise have any chance to buy a home. We want to help those whose incomes are very low and who cannot buy a home, but they are higher than the limits and they live in areas, ghetto areas, in which assistance is needed, such as in Cleveland, Milwaukee, and New York City.

Mr. LAUSCHE. To summarize, then, a family under certain circumstances, because of the large numbers in some areas in the country could qualify for this subsidy even though the family was earning as high as $10,000.

Mr. PROXMIRE. That would be extraordinarily rare and I frankly would be very, very surprised if that should be the case in view of the very limited amount

that would be available to those families. The $10,000 would be reduced to $7,000, according to what is now in the bill, the 80 percent.

If HUD is going to make an exception to provide for someone with $10,000 a year to buy a home I would be very shocked. They might go a little over $7,000, however.

Mr. LAUSCHE. How many families in the country would be covered if there were a maximum of $7,000?

Mr. PROXMIRE. Well, it is hard to say. The estimate of 38 percent is the number of families that would qualify under the so-called low market interest rate program, although that disagrees with what the Senator from Texas estimates. He says 47 percent. I say 38 percent. He says $7,000 limitation so as to bring it down to 28 percent. The $7,000 is deceptive. We knock out the $7,000 limitation in New York and in Pineland, Tex., it is $3,300. It depends on the cost of construction in those particular areas.

Mr. SPARKMAN. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. SPARKMAN. Mr. President, the Senator from Minnesota [Mr. MONDALE] has prepared a statement in opposition to this amendment. Unfortunately, he cannot be here, and I therefore ask unanimous consent to have printed in the RECORD his statement, together with the insertions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Mr. MONDALE is as follows:

AMENDMENT No. 822

On Friday, the distinguished Senator from Texas (Mr. Tower) offered an amendment, No. 822, to the Housing and Urban Development Act of 1968. This amendment would limit eligibility for the home ownership program to families whose income is 70% or less of the prescribed limits for the 221(d)(3) low and moderate income housing program.

One of the most complicated issues faced by the Banking and Currency Committee during the consideration of Title I and Title II, the home ownership and rental assistance programs, was the establishment of equitable income limitations. The approach approved by the Committee represents a recognition that these programs must concentrate on the lower income family while at the same time serve a large enough range of incomes to attract private developers to build units. Any attempt to change it would endanger the whole housing program.

Because of the importance of the whole issue of income limits in both these programs, I would like to give some background on the Committee's actions and deliberations.

The formula established by the Committee is the same for both the homeownership and rental assistance programs. It has three segments:

1. All but 20% of the subsidy payments authorized must be used for families whose income is 70% or below the prescribed 221(d)(3) limits for the locality.

2. The other 20% can go to families whose income is above 70% of the 221(d)(3) limits but does not exceed these limits.

3. In determining income, $300 will be deducted from gross income for each minor child living in the home.

The only difference between the two programs relates to the subsidy mechanism. In the rental assistance program, a family is required to pay 25% of its adjusted income (gross annual income minus $300 per child living at home) toward the rent. However, in the homeownership program, the family pays 20% of its adjusted income toward the mortgage payment. The reason for this differential is that a family buying a home has the additional required expenses of maintenance, repair, insurance and utilities.

This income limitation formula was based on five conclusions of the Committee.

1. *The major thrust of these new programs should be toward the lower income family.* In the past, too often, the federal rental program, 221(d)(3), has assisted the family whose income is over $8,000 a year and not the lower income family. Yet, the vast majority of more than 6 million substandard housing units in this country are occupied by families whose income is below $5,500. Therefore to insure that these two new programs will benefit the lower income family, the Committee required that 80% of the funds authorized under these programs go to families whose incomes are under 70% of the present 221(d)(3) limits.

This is a dramatic shift from our previous programs. For example, under the 221(d)(3) program a family of 4 in Minneapolis would be eligible for a rental unit if their income did not exceed $8,050. However, under the formula worked out by the Committee, primary emphasis (80% of the funds) would now be given to families whose income is $5,650 or below. A chart giving other examples of this new emphasis shows as follows:

City	Present 221(d)(3) limits for a family of 4	70 percent of these limits
Montgomery, Ala	$5,900	$4,100
Long View, Tex	6,050	4,200
Tampa, Fla	5,950	4,200
Macon, Ga	5,750	4,000
Raleigh, N.C	5,950	4,200
Bangor, Maine	6,800	4,800
Duluth, Minn	6,700	4,700
Springfield, Mo	6,800	4,800
Atlantic City, N.J	6,700	4,700
Austin, Tex	6,750	4,700
Milwaukee, Wis	8,000	5,600
Detroit, Mich	8,200	5,700
Boston, Mass	8,200	5,700
Washington, D.C	8,400	5,900
Springfield, Ill	8,250	5,800

2. *At the same time the Committee recognized the need to continue to assist some moderate income families who are unable to find suitable living conditions at market rates.* These families—the postal workers, civil servants, teachers, cab drivers, and those displaced by public action—have difficulty, especially in urban areas, finding adequate housing. Although their incomes may be above $6,000, they still have a difficult time in obtaining safe and decent housing with their means.

The Bureau of Labor Statistics has computed a typical city worker's budget for a family of four. This budget shows that a family, in the fall of 1966 must have had an income of $9,191 a year to have a "moderate standard of living." Housing costs averaged 24.1% of this budget or $2,214 a year.

The Department of Housing and Urban Development has supplied me with some further statistics on the gross minimum monthly rental needed to secure standard housing in various cities. These figures would also approximate the monthly mortgage payment required to purchase a standard home. For a two-bedroom unit the minimum rents are as high as $137 in Las Vegas, $123 in Duluth, Minnesota, $132 in Chicago, $141 in Boston, and $117 in Buffalo, New York.

Thus, the average city worker is required to spend a substantial amount of his resources in providing housing. For some families—whom we might consider moderate income—this is still a tremendous strain on their budget. There is no reason why our housing programs should not assist these families as well as the lower income families as long as there is some provision for a sliding scale of assistance so that those more in need receive more assistance.

Therefore, the Committee concluded that 20% of the funds appropriated for these new programs could be used to help the moderate income family whose own resources were insufficient to meet rental or mortgage payments.

However, the Committee also provided a sliding scale subsidy based on income. A family will pay a certain percentage of its income for this housing—20% for home ownership; 25% for the rental program—granting the lower income family with more benefits than the moderate income family.

For example, under the home ownership program, the required monthly mortgage payment for a $14,000 home, financed at 6¾% for 35 years, would be $116.52. A lower income family earning $4,200 a year would pay 20% of its income—$70 a month—toward the mortgage and the government would assist by paying $46.52. On the other hand, a moderate income family, one earning $6,600 purchasing the same house, would be required to pay 20% of its income, $110 a month. Although still eligible for assistance, the family would receive only $6.52 a month in subsidy.

This is in marked contrast to the 221(d)(3) program where the subsidy goes to the unit and the same rent is established for low income and middle income families. The provisions in S. 3497 are a much more equitable approach to assisting those who are in need.

3. *A large enough range of eligible incomes must be established in each community to attract private builders to produce this housing.* There must be a sufficient market for units or they will not be built. If these units are limited to an income range of only $1,000, for example, then there is only slight hope that the necessary volume of housing will be built.

During the housing hearings this year, Lloyd Clarke, President of the National Association of Homebuilders testified on this point:

"I want to stress also that this program (home ownership) is meant to serve moderate income as well as low income families. Volume results cannot be achieved if it should be restricted so as to make it impossible to provide good housing opportunities for families not now being sheltered by either the private market at market rates or the subsidized Government programs.

"To assure the kind of massive building and marketing program envisioned by this section 235 program, the income limits for assistance under this proposal should be as in the bill (S. 3029) a function of the maximum permissible mortgage amounts and the formula for assistance."

Mr. Clarke's warning is appropriate since the program's income range would be severely limited if only families whose income is 70% of 221(d)(3) were eligible.

The bill's provision that the mortgage subsidy can never exceed the difference between a market rate mortgage and a one percentage mortgage creates a floor beneath which families cannot afford to purchase a home even with the subsidy.

For example, the maximum subsidy on a $12,000 home is $45.72. This means only families whose income exceeds $3,200 can afford this home. Making only families whose income is 70% of the 221(d)(3) eligible, restricts the market. Assuming that an average 2 bedroom unit is a low construction cost area has a value of $12,000, the range would be:

Montgomery, Ala., $3,200—$4,100.
Longview, Texas, $3,200—$4,200.
Tampa, Florida, $3,200—$4,200.
Macon, Georgia, $3,200—$4,000.

This is contrasted with a range of $3,200–$5,400 (the point at which a family's income is sufficient to pay the monthly mort-

gage) in all these cities if there was no limitation on income. Thus, the provision permitting 20% of the funds to be used for families above the 70% limit would expand the potential market for any builder and provide a market to fill vacancies not filled by those of the lower 70% of (d)(3) limits.

4. *There should be a diversity of incomes living in units produced with these two programs.* The Committee felt that if all the efforts were concentrated on housing only the poor, we would merely be creating new islands of poverty and confinement, isolated from the rest of the community. Our early experience with the public housing program has demonstrated that a safe, new dwelling is not in itself the way to eliminate a slum. Too often, new, highrise slums were created in a public project because there was no economic cross section in the community.

William L. Taylor, Staff Director of the U.S. Commission on Civil Rights wrote a letter to the distinguished Chairman of the Committee (Mr. Sparkman) expressing his concern over income limitations in the new programs. His conclusion is that an economic mix with a neighborhood will give it more viability and "enable disadvantaged families to participate more fully in community life." This point was one more reason for the committee to permit the use of 20% of the funds for the moderate income families.

5. *Special Assistance should be granted to the large family.*

The large family is often neglected in our special programs as recent studies in public housing demonstrate. Most public housing projects do not have enough bedrooms per unit to assist these families and they are forced to live in substandard units. In addition, there is a higher concentration of poverty among the large family. In fact, the incident of poverty among large families is two and one half times as great as among other families.

Coupled with the unique housing needs of the large family is the problem that these families are not able to pay as high as a percentage of their income for housing needs. A recent study in New York City on the amount of income needed to maintain a "modest, minimum" budget shows that the family costs increase by $700 a year for each additional child.

As the family size increases, the proportion of income going for housing decreases. This New York study shows how this affects the large family. The childless couple pays 24.3% of its income for housing while the family of 10 can only pay 16% of its income for housing.

Number of people:	*Percentage of income for housing*
1	29.0
2	24.3
3	23.3
4	20.6
5	20.0
6	18.3
7	17.6
8	17.5
9	17.6
10	16.0
11	15.4

To meet this situation, the bill provides that income eligibility determination and subsidy determination will be based on "adjusted income". There will be a reduction of $300 from annual income for every minor child living in the home. Thus, if 70 percent of the (d)(3) limits was $5,500, a family of $7,200 with 6 children would fall within this category since its adjusted income is only $5,400. In addition the family would only pay 20% of this $5,400 income toward the mortgage payment or 25% of it toward monthly rent.

Thus, these were the reasons the Committee decided on the income limit formula contained in the bill. In my opinion, this formula is an equitable one. It assists those truly in need and emphasizes the lower income family. It provides a sliding scale subsidy so that those with higher income will receive less government assistance. It encourages neighborhoods where there will be an economic mix. It gives special help to the large families and their special problems.

Amendments such as the one offered by the distinguished ranking minority member of the Housing and Urban Affairs Subcommittee (Mr. Tower) will negate this formula, and endanger the success of the program.

Mr. TOWER. Mr. President, I appreciate the allusion to Pineland, Tex., just made by the Senator from Wisconsin. Let me say that the sawmills in Pineland throw away enough lumber to build a house down there. It is very cheap to build down in Pineland, Tex.

Mr. President, let me cite some testimony given before the committee by the junior Senator from New York [Mr. KENNEDY] in his testimony on this and other matters pending before the Housing Committee. In that exchange between the Senator from New York and myself, the following took place:

Senator TOWER. The surveys by the President's Commission on Civil Disorders found that the number of persons assisted by Federal programs in almost all cases constituted only a fraction of those in need.

Now, the median income of families according to this report in the disturbance areas was $4,200 for nonwhites and $5,300 for whites.

I notice that a recent article in the New York Times states that the median family income in New York City's Brownsville slum area is $3,500 a year, and I understand that even that is higher than in Bedford-Stuyvesant——

Senator KENNEDY. That is correct.

Senator TOWER (continuing). The area the Senator has manifested so much interest in.

Too, a prior witness before this committee, the Mortgage Bankers, testified that 75 percent of all substandard homes in 1960 were occupied by families with incomes of $4,000 or less.

Now, in view of this, don't these income figures give evidence that would support efforts on the part of this committee and on the part of the Congress to aim these programs at the lower income levels?

And I would say further don't these incomes represent a logical target for priority?

In other words, less emphasis on the so-called moderate incomes and more emphasis on the low-income families?

Senator KENNEDY. The absolute fact is that, except for the public housing programs, there have not been any housing programs that have helped the low-income people in this country.

The 221(d)(3) program is really for middle-income people. We have not had any housing programs that have helped the lowest income people in the United States. And this legislation that is being considered by this committee is not really going to help them either.

It is going to do better than 221(d)(3), but it is not going to get to the group that you just described.

Senator TOWER. Without trying to get a specific endorsement of any particular provision, I would note that the eligibility requirements in S. 3029 are the same as they are for 221(d)(3), whereas in S. 2700 we pegged the eligibility requirements at 70 percent of 221(d)(3), which would keep it down more toward the median income range.

Do you favor some sort of legislative device, not necessarily this one, to keep this thing from surfacing and gravitating toward more moderate income?

Senator KENNEDY. I do.

Thus, Mr. President, I submit that when the Senator from New York and I can arrive at an agreement on something, it must be very worthwhile and represent a real consensus. I would suggest in light not only of Senator KENNEDY's testimony but also because the same question was asked of many witnesses repeatedly, and the response was to keep it down to the lowest income families because they are the ones not being helped today.

When we consider that in Bedford-Stuyvesant and Brownsville, N.Y., the families there are in the $3,000 to the $3,200 bracket, those are the people we need to help. Those making $7,000, $8,000, or $9,000, perhaps it is a hardship on some of the large families in the income range of $6,000, $7,000, $8,000, or even $10,000, to build a house or buy a house or even rent a house the burden falls not nearly so heavily on them as it does, on those making below $5,000. That is where the most critical problem is. Those are the people to whom the program should be targeted.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, there is no argument between the Senator from Texas and me about the fact that the bill, and this measure in the bill, should be directed primarily at those with the lowest incomes. It is. It is, at the present time. In the bill, however, both the Housing and Urban Affairs Department and the homebuilders—and the homebuilders are very emphatic about this—as well as the Cooperative League and two significant other groups; namely, the U.S. Civil Rights Commission and organized labor, they all feel very strongly that we should not knock out any flexibility on the part of the Director of HUD.

I think the argument that makes sense is that we do not want to create a situation where we have economic ghettos. We should provide an opportunity for people whose incomes are above this also to be able to buy their own homes. What will happen is that people with low incomes will be able to buy their own homes under the program, but there will be a serious gap, a gap in which we will have the kind of experience observed before, where there will be indignity because of being associated with that kind of subsidy, because these are people with low incomes and they will be identified as being placed in a group where their houses are subsidized.

What I want to emphasize—and emphasize strongly—is that because 20 percent of incomes are required to go to pay for houses, that subsidy diminishes as the income increases. We talk about people with incomes of $4,000 or $3,500, but in buying their own home, we recognize that the assistance they get is going to be a great deal less than the assistance of those with an income of $3,000 or $2,500. Most are under this provision. Even for that small minority who have an income above the 70-percent limit, they will pay for virtually the entire cost of the rental themselves and not have the benefit of the Government subsidy.

Mr. TOWER. Mr. President, I yield myself such time as is necessary.

I am aware that is seems like nit-picking to object to a mere 20 percent of the funds earmarked or being made available under the program for families that reach full eligibility limits on 221(d)(3) but, again, it is the case of the camel with his head under the tent. We have striven for years to devise programs that would help the very poor, and in every instance the programs have always gravitated upwards toward the lower-risk income groups. So I think now we need to have a program in which we say 100 percent of all that we earmark for the program is going to help those who are lowest of the socioeconomic scale, because they are the people most in need, they are the people suffering the most and the people least able to take care of themselves.

I think we should put every dime we can earmark into a program to help these people. If there are five people in a given area making application, at an income level below $5,000 a year, only four of them are going to get the assistance, because the fifth one will have to give away to someone much higher on the socioeconomic scale and much more capable of taking care of himself. So I urge the adoption of my amendment.

I am prepared to yield back the balance of my time.

Mr. PROXMIRE. Mr. President, I yield back the balance of my time.

Mr. TOWER. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Texas. All remaining time on the amendments has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. LONG] are absent on official business.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MONDALE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] would each vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Florida would vote "yea," and the Senator from Oregon would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS] and the Senators from California [Mr. KUCHEL and Mr. MURPHY] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK], the Senator from Idaho [Mr. JORDAN], and the Senator from Michigan [Mr. GRIFFIN] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Idaho [Mr. JORDAN], and the Senator from California [Mr. MURPHY] would each vote "yea."

On this vote, the Senator from California [Mr. KUCHEL], is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from California would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 25, nays 36, as follows:

[No. 161 Leg.]

YEAS—25

Allott	Hruska	Russell
Baker	Jordan, N.C.	Stennis
Brooke	Lausche	Talmadge
Byrd, Va.	McClellan	Thurmond
Cotton	Miller	Tower
Dodd	Mundt	Williams, Del.
Hansen	Pearson	Young, N. Dak.
Hickenlooper	Percy	
Holland	Prouty	

NAYS—36

Aiken	Gore	Pastore
Anderson	Gruening	Pell
Bartlett	Hart	Proxmire
Bayh	Hill	Randolph
Boggs	Jackson	Scott
Brewster	Magnuson	Smith
Burdick	Mansfield	Sparkman
Byrd, W. Va.	McIntyre	Spong
Cannon	Metcalf	Symington
Case	Monroney	Williams, N.J.
Ellender	Moss	Yarborough
Fulbright	Muskie	Young, Ohio

NOT VOTING—39

Bennett	Griffin	Long, La.
Bible	Harris	McCarthy
Carlson	Hartke	McGee
Church	Hatfield	McGovern
Clark	Hayden	Mondale
Cooper	Hollings	Montoya
Curtis	Inouye	Morse
Dirksen	Javits	Morton
Dominick	Jordan, Idaho	Murphy
Eastland	Kennedy, Mass.	Nelson
Ervin	Kennedy, N.Y.	Ribicoff
Fannin	Kuchel	Smathers
Fong	Long, Mo.	Tydings

So Mr. TOWER's amendments (No. 822) were rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 829

Mr. TOWER. Mr. President, I call up my amendment No. 829, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 83, beginning with line 4, strike out all through line 2 on page 96.

Renumber succeeding sections and titles accordingly.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on the pending amendment, the time to be equally divided, 30 minutes each to the distinguished Senator from Texas [Mr. TOWER] and the distinguished Senator from Alabama [Mr. SPARKMAN].

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. TOWER. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the effect of my pending amendment would be to delete from the bill the new communities provision. I cannot concur with the inclusion in the pending bill of a program of Government guarantees for the development of entirely new communities.

This is the program which would authorize the Secretary of Housing and Urban Development to guarantee bonds and other obligations issued by developers to finance the cost of acquiring and developing land, after which there would be developed on the land that was acquired homes, schools, and the other usual institutions associated with a self-sustaining city or community.

The economic feasibility of such ambitious undertakings is somewhat at doubt, and past experience in this area has revealed a myriad of pitfalls awaiting the unwary. The speculative nature of these large community development programs is of itself reason to doubt the prudence of allowing the Federal Government to pledge its full faith and credit, to the possible cumulative extent of $500 million, to such undertakings. It is altogether possible that the only solvency inherent in such undertakings will ultimately be that of the Government's financial exposure. I do not feel that there is anything to support allowing the Government's financial resources to be placed in such a position.

This doubtful proposal is being advanced at a time when the housing problems of America's existing cities and communities have not been resolved, and when the Government's financial resources are being stretched in every way possible to extend assistance for the upgrading of our country's deteriorated neighborhoods and the replacement of substandard housing within the cities.

It would be inappropriate in my opinion, to enlarge the Government's contingent liability in this area when the demands of existing programs are so hard to meet. The homebuilding industry has at its disposal a comprehensive selection of Government housing programs, to which would be added the new lower income programs created by this bill, with which it can undertake the orderly development of quantities of housing ranging from individual structures to entire subdivisions and neighborhoods. The industry possesses the financial resources, when economic feasibility is present, to absorb the necessary costs of land development to implement these programs.

I feel that it is both sufficient and desirable that such development be undertaken within or contiguous to our country's existing cities and communities where existing governmental services and established amenities will be available to the occupants of the housing produced, and likewise, where such housing will enhance and supplement the needs of these cities and communities and their governments. This will certainly result in development activities that are more responsive to local needs than would be the case where entire cities and communities are created that would tend to reflect instead the whims of the Secretary of Housing and Urban Development.

This is no time for us to guarantee $500 million to speculative schemes involving the new communities, new cities, new towns, or whatever one wants to call them. There have been a number of these that have sprung up all over the country, and I do not know of any that have been a great financial success. At a time when we should be addressing ourselves to the problems of existing urban areas, why should we go chasing off after a scheme to build new communities?

This is a speculative type of operation. The home building and financial communities have the resources to engage in this type of speculative development, if they choose to do so. I see no reason why, at a time when we are facing a fiscal and monetary crisis, we should back them up with the resources of the Government of the United States.

Mr. SPARKMAN. Mr. President, my comments with respect to this amendment shall be brief.

As I understand the amendment, it would strike out the provisions in the bill relating to the guarantee of bonds enacted by sponsors of new communities.

Mr. TOWER. Yes.

Mr. SPARKMAN. Mr. President, the question of new communities was discussed in our committee for 3 years before it was finally put into the law, as a provision for providing mortgage insurance for larger subdivisions, in 1965. The subdivision insurance provision was later amended and broadened in 1966 to include new communities.

In the beginning, I was opposed to the proposal for establishing an FHA insurance program for new communities. I have stated on the floor of the Senate that I was opposed to such a program. Nevertheless, such a program has been written into the law because it was felt that by developing large tracts of land for new communities it would be more economically feasible to build great amounts of housing. The insurance program has been on the statute books for only 2 years now and, I am advised that no applications have thus far been approved for this type of development.

The existing program, as I have indicated is based on the financing of new communities through mortgages. HUD has asked for a new method of financing this type of development; namely, that of permitting HUD to guarantee the bonds of developers who undertake a new community development.

The only point I wish to make in this connection is that the program has not had a true test since not one application has been approved under the existing program.

Originally, I opposed the program, but I accepted it when the program was written into the law; and I believe that now, since it is in the law, we should allow this alternative financing method in order to see if the program can prove itself.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I note that under the heading of "Labor" on page 90 of the bill, it is provided that all laborers and mechanics employed by contractors or subcontractors in the land development program shall be paid such sums as set by the Secretary of Labor in accordance with the Davis-Bacon Act. The Davis-Bacon Act, of course, applies to payments of wages and salaries when persons are employed on the building of public buildings.

Mr. SPARKMAN. Yes, that is true. As a matter of fact, that provision is applicable already in existing law to all rental housing constructed under FHA programs. Single family home construction is not covered by the Davis-Bacon Act. That is the uniform application and it has been for a long time.

Mr. HOLLAND. That covers, of course, the cost of artisans in the building of homes. But this project covers a good deal more, does it not, than the building of homes?

I read from page 93:

(a) The term "land development" means the process of grading land, making, installing, or constructing water lines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use.

It seems to me that making the provisions of the Davis-Bacon Act apply to all of the great scope of work—of course there are many types of work—is different from the provision of which the Senator spoke, and which is now in the law.

Mr. SPARKMAN. I believe it is exactly the same as would apply to the building of an apartment house where the land had to be prepared, and so forth. I believe this is the same rule. Certainly, we did not try to incorporate a new rule.

Mr. HOLLAND. Having had some experience with the development of new communities, I know that much more is involved than would be involved in the ordinary building of an apartment house or a condominium or a structure which would involve some little work in leveling the ground and in connecting with the electric system, the gas system, the water system, and so forth. This seems to cover all work done in what is termed "land development," and I have read what is defined as land development.

Mr. SPARKMAN. Of course, the housing cannot be built until the land is developed. That is part of this program, to make it possible to develop the land on a large scale, to make it available for the erection of different types of housing, perhaps several different apartment houses, row houses, and houses of every type. The rule that is laid down here is the same as that which applies in all other housing. I am confident of that. I said "all other housing." I mean, of course, all rental housing and housing constructed under the FHA 213 cooperative housing program.

Mr. HOLLAND. My observation of new developments of this type is such that I know they customarily cover areas of from 40 to 80 or 160 acres, and sometimes as much as a square mile in my State—sometimes several square miles. The application of the Davis-Bacon Act to a new facility of that type seems to me to be a much broader application than anything we have heard of heretofore in this field.

Mr. SPARKMAN. I do not believe that the type of development the Senator is talking about would be under the Davis-Bacon Act, because he is speaking only of preparing the site, without the buildings to be a part of it. This relates to new communities, and this is in the existing law with respect to new communities.

Mr. HOLLAND. The new community building, as projected under this bill, goes very far, it seems to me. In my State, new communities go all the way from

several square miles down to comparatively large acreage.

The next point is this: I note that subparagraph (b) of section 412, on page 91, contains these words:

(b) In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

Do I correctly understand that this applies to fire stations, police stations, school buildings, and matters of that type which are to be needed in the new community?

Mr. SPARKMAN. No. This is primarily for water and sewer systems, which the local body supplies. This is to aid the local city or community, wherever the area is, to provide water and sewer systems.

Mr. HOLLAND. I note here that the limit of Federal assistance shall not exceed 80 percent of the cost. In this section we are not talking about guarantees; we are talking about Federal contributions.

Mr. SPARKMAN. Contributions; yes. The Senator is correct.

Mr. HOLLAND. Then, we have in mind new communities in which the Federal Government will be expected to pay anywhere from 20 to 80 percent of the cost of schools, the police station, the fire station, the water facilities, and others that are public facilities; are we not?

Mr. SPARKMAN. Of course, there is a Federal program to assist public bodies and communities in supplying water and sewer systems.

Mr. HOLLAND. Does the Senator mean new, planned communities, just starting out? I do not know of any such program.

Mr. SPARKMAN. The Senator is familiar with one program we enacted into law just 2 or 3 years ago to provide assistance even though it were out in a rural area.

Mr. HOLLAND. That is the Farmers Home Administration program. Now, we are talking about building new, highly developed communities; are we not?

Mr. SPARKMAN. It is a part of the housing. In this event the community might make a grant of as much as 50 percent. This provides 20 percent in addition to that, but in no event is the cost of such project to be more than 80 percent.

Mr. HOLLAND. This permits the Secretary himself to make supplementary grants?

Mr. SPARKMAN. The Senator is correct.

Mr. HOLLAND. The conditions are that the grant shall not exceed 20 percent and that his grant, when taken in conjunction with the other Federal grants, shall not exceed 80 percent of the cost?

Mr. SPARKMAN. The Senator is correct.

Mr. HOLLAND. It seems to me that this is practically underwriting the construction of the needed public facilities in planned, new communities. It seems to me that such a course would be very unfair to communities recently established and which are being developed by the dozens, in my own State.

How can we possibly justify such generous help as this to a new community now being planned and whose plans are approved by the Secretary of Housing and Urban Development?

Mr. SPARKMAN. The basic grant under the existing law is found in section 702 of the National Housing Law and is 50 percent. This is a supplementary grant. That is the title of the section. It permits additional grants not to exceed 20 percent in connection with any one project.

Mr. HOLLAND. We have a great many private enterprises in my State, and I know this happens to be true in the State represented by the Senator from Texas. It is true to a lesser extent in all States, but is particularly true in States growing rapidly where many, many new communities are being built by private enterprise.

It looks to me as if this kind of program, if allowed to be enacted into law, supported by a one-half-billion-dollar program, is decidedly unfair and unjust when contrasted with completely privately developed communities.

I wonder if the Senator has a comment on that point?

Mr. SPARKMAN. This is not something brand new that we are seeking to enact into law. It is merely providing an alternative financing method for something that has been in the law since 1966. These so-called planned communities have had a very hard time. I am not sure it can be satisfactorily shown that private undertakings have been successful. I know several such undertakings that have not been successful. I know Senators have read in the newspapers just recently about the difficulties incurred by one community near Washington about which we initially heard glowing reports. I refer to the new town of Reston, Va. The committee studied this new financing method on the recommendation of the Housing Department and the committee decided we should help these undertakings in the manner set forth in the bill.

Mr. HOLLAND. I have just two comments to make on this point. First, it is evident that the law that is on the books now has not been very successful and this is an effort to provide much larger Federal participation. In the second place, I wish to make clear that in addition to the one new community which the Senator refers to, one cannot go out from Washington in any direction, in Virginia or Maryland, that he does not run into several of these new communities which have been developed by private enterprise and which are continuing their development. Many of them have not been built on anything more than a proportion of the lots which they set out to develop.

Of course, their investments for water facilities, and the like, have been put in with a view to supplying the entire community when it is completed.

It seems to me we could not go into a matter as large and as generous as this without seriously affecting for the worst many, many such communities. Certainly, that would be the case in my State.

Mr. SPARKMAN. I think the Senator must be speaking about large subdivisions rather than what is usually known as new towns or new communities. There are in fact very few of them. Very few, if any, have been successfully completed. There is one out here in Maryland by the name of Columbia. Then there is one in Virginia called Reston. These are the only new towns I know of around Washington.

(At this point, the Acting President pro tempore assumed the chair.)

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. Sometimes subdivisions take on a corporate identification. They may be contiguous to an existing urban area, but still they take on a corporate identification.

Mr. SPARKMAN. The Senator is correct. I believe the Senator is talking about subdivisions rather than new communities.

Mr. HOLLAND. Mr. President, I shall name a half dozen communities off the top of my hat. In my State alone, there are such communities as Sun City, Fla.; Cape Coral, Fla.; Lehigh Acres, Fla.; Port Saint Lucie, Fla., and others that can be thought of in a few minutes. They are new communities. Port Charlotte is the largest town in its county, which is Charlotte County. Just a few years ago it was nothing but a strip of completely undeveloped territory. It was planned as a city, developed as a city, and it is a city. My recollection is that the other day in talking to the lawyer for the county commission he told me there were more than 8,000 people in that town.

I think I have named five or six. Another instance would be the new community on Marco Island.

It seems to me that we cannot go into this type of business without being exceedingly unfair to the developers of those new communities. None of them that I have mentioned are completely developed, yet all of them are successful and they are all organized as separate communities, served by separate facilities, and counting on additional sales of lots and the building of additional thousands of homes.

It seems to me that to pass this kind of law would invite competitors financed largely by Federal funds. So unless I am shown something different from the way this proposal looks to me now, I would have to say that I would not possibly support this title. As I see it, it is exceedingly unfair to private enterprise developers of new communities, of which there are many. One of the them, Bel Air, is located in Prince Georges County, Md., not far from here. I have not been in it, but I have been in the one built by the same people, the Levitts, close to Trenton, N.J. It is quite a city, and it was developed by private enterprise.

We simply cannot get into this kind of operation on this scale—$500 million for the first shot—without seriously jeopardizing investments, which are very large, indeed.

I thank the Senator for yielding.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. COTTON. I wanted to try to make certain that I understood—it has been talked about enough so that we ought to know—the definition of "new community." I have in mind a small city in my own State that has had an expansion of industry and is seeking to construct a new housing development to take care of the new workers. The city has had some difficulty, because unless rent supplements are combined with help for housing, the new housing development cannot be constructed to take care of the new workers without getting the rent up so high that it would not be within the reach of the new workers.

I am trying to find out whether the phrase "new community" would include a situation in which a new development was taking place, on the outskirts of a city, or whether the development would have to be a new city or a new town having a form of government separate from the original community.

Mr. SPARKMAN. Of course, many times, the definition is rather vague as between what could constitute a new town and what could not; but my understanding of a new town or a new community is that it is within itself a completely new unit. Ordinarily, expansion on the edge of a city is what we would call a subdivision. Some of those subdivisions become enormous.

Subdivisions like Belair in Maryland are not new communities or new towns within the meaning of the term. I should think under the description the Senator from New Hampshire gives, that a subdivision would take care of the situation.

Mr. COTTON. Does the Senator mean that this money, if it were authorized and appropriated, might be available in that case, or it would not be available? It is not a new town.

Mr. SPARKMAN. Grants for water and sewer systems support are available in any case.

Mr. COTTON. Under the bill?

Mr. SPARKMAN. Under the law.

Mr. COTTON. Under the law.

Mr. SPARKMAN. Under the law.

Mr. COTTON. In this particular case.

Mr. SPARKMAN. This says that the Secretary of Housing and Urban Development may, when he finds it necessary to enable the community to develop as a community, increase the grant by 20 percent.

Mr. COTTON. It refers, then, only to water, sewage, and other——

Mr. SPARKMAN. The Senator is right.

Mr. COTTON. Not to construction.

Mr. SPARKMAN. No, not to construction.

Mr. COTTON. That answers my question. I thank the Senator.

Mr. TOWER. Mr. President, I note that it is pretty difficult to distinguish new communities from subdivisions, as something contiguous to, or part of a city, or outside city limits. Actually, the new communities are located in the proximity of major urban areas and take on the character of suburbs or subdivisions. Because we move them 5 miles into the country does not mean that they are not part of a metropolitan complex, which they become a part of.

I believe that we should not be in the business of subsidizing or underwriting speculative projects, particularly in light of what the distinguished Senator from Florida says, that it competes with those who are trying to make it on their own, so to speak. So far, we do not have any rule that we should get into that.

Mr. HOLLAND. Levittown, Pa., to which I have referred, is a rather full town. It is not all residential. It has plenty of other facilities.

Mr. SPARKMAN. The Senator is right. But it is built as a subdivision.

Mr. HOLLAND. It is as much of a new town as Reston, except that it is successful and Reston, as the Senator has said, is not in full success as yet.

The Senator referred to Columbia. I have seen it referred to as a new community. We have them in my State which, as the Senator knows, is growing rapidly. There are numerous instances of that kind. The stock of the companies that do the developing is sold on the New York Stock Exchange. They have high standing. The idea of coming in here with a fund by way of a grant and coupling it on to other grants that might go as high as 80 percent to build certain utilities and conveniences within it, and then the guaranteed bond being up to $500 million, it seems to me, gives improper advantage to communities that would be picked out by the Secretary of House and Urban Development for this kind of help as compared with those still making a go of it through the exercise of private enterprise. And they are doing it. I am told—I have not been on the outskirts of great cities in California recently—that there are numerous examples of new communities in the San Francisco Bay area, in the general areas around Los Angeles and Los Angeles County, in the general areas around San Diego, and, I am sure, elsewhere in that far western State.

I just do not like to see the Government getting into this kind of thing which will disturb so greatly those who are presently operating successfully, are adding to this country's wealth and development, and are adding to the housing prospects and possibilities of our people. To have the Government come in in such a way as this, to my mind, would be distressing. It is for that reason I take the position I do.

Mr. LAUSCHE. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield.

Mr. LAUSCHE. For the purpose of getting a clearer understanding of what is involved, do I understand correctly that under existing law a new community or subdivision would be entitled to aid for the installation of sewerage and water supply facilities in an amount equal to 50 percent of the cost?

Mr. SPARKMAN. That is correct. That is basic law.

Mr. LAUSCHE. Now, under the subject which has been discussed, a community as distinguished from a subdivision would be entitled to additional aid——

Mr. SPARKMAN. It might be——

Mr. LAUSCHE (continuing). At the discretion of HUD?

Mr. SPARKMAN. That is correct.

Mr. LAUSCHE. For what purpose would this additional aid be used? For what? Water and sewer?

Mr. SPARKMAN. Primarily water and sewer.

Mr. LAUSCHE. Primarily; but would the Secretary have the authority to make additional grants for other installations?

Mr. SPARKMAN. No; 20 percent for water and sewer.

Mr. LAUSCHE. Does the bill define a "community" such as the Senator has been discussing here?

Mr. SPARKMAN. I do not find a definition of the word as such, but there are conditions that the Secretary must find to exist.

Section 1004 of the National Housing Act reads:

> New communities consisting of developments, satisfying all other requirements under this Title, may be approved under this section by the Secretary for mortgage insurance if they meet the requirements of subsection (b) of this section.

Mr. LAUSCHE. What is the difference between a "subdivision" and a "community"?

Mr. SPARKMAN. "Community" refers to a complete community with provision made for streets, churches, fire departments, and everything necessary for the operation of a city. A subdivision is usually a collection of homes. Subdivisions sometimes have other facilities, true, but, generally, they are nothing more than a collection of homes.

Mr. LAUSCHE. A community pretty nearly establishes a new governmental unit?

Mr. SPARKMAN. A new community would.

Mr. LAUSCHE. A new community would?

Mr. SPARKMAN. Yes; and it is entitled to funds and grants for water and sewer, just as is an established city.

Mr. LAUSCHE. Forgetting for the moment the added 20 percent that the Secretary of Housing and Urban Development may allow in his discretion, what other type of aid would the development of such a community be entitled to?

Mr. SPARKMAN. The land could be insured, as would the buildings be, under FHA, but that is a regular FHA insurance program.

Mr. LAUSCHE. Would the aid provided for the low income family be applicable to a new community?

Mr. SPARKMAN. Yes; it is applicable anywhere.

Mr. LAUSCHE. Would supplemental rents also be applicable?

Mr. SPARKMAN. The Senator means would the rent supplement program be authorized if such buildings were constructed there?

Mr. LAUSCHE. Yes.

Mr. SPARKMAN. It would be.

Mr. LAUSCHE. Does not this operate as an inducement for people to move out of the big cities and move into new communities?

Mr. SPARKMAN. Yes.

Mr. LAUSCHE. What do the big city people who are trying to keep what has been called the exodus from continuing say when Congress creates conditions inducing the exodus?

Mr. SPARKMAN. As a matter of fact, the mayors of the big cities who have appeared before our committee usually have approved the idea. Usually there is bound to be a spilling out into the suburbs, where traffic congestion is a problem, and the alternative is to have a community by itself.

Mr. LAUSCHE. But the fact is that the big cities are crying because people are moving out. They are begging the Government to create inducements to have the people remain. The Federal Government is giving them help to induce people to stay there. But here the Federal Government is giving help to induce people to move out. The two do not go hand in hand, it seems to me. There seems to be some conflict. Perhaps they are both desirable.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, I yield such time out of my time as the Senator from Alabama needs.

Mr. SPARKMAN. I do not need any time.

Mr. TOWER. Mr. President, I am prepared to yield back my time.

Mr. HOLLAND. Mr. President, will the Senator yield to me for one moment?

Mr. TOWER. I yield such time as he may need to the Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to call to the attention of the Senator from Ohio the purpose of title IV, entitled "Guarantees for Financing New Community Land Development," as set forth on page 83 of the bill. I shall read two of those purposes, indicating how broad this program is. The first defines a new community as that which:

(1) contributes to the general betterment of living conditions through the improved quality of community development made possible by a consistent design for the provision of homes, commercial and industrial facilities, public and community facilities, and open spaces.

All those things are to be guaranteed contributions for these new communities. That is the first.

No. 5 reads:

Enlarge housing and employment opportunities by increasing the range of housing choice and providing new investment opportunities for industry and commerce.

So we see how far reaching this program is. The guarantee program, and the grant program that goes along with it, reach very far into almost every type of development, extending to open-spaced development for new communities.

I thank the Senator from Texas for yielding to me.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. TOWER. I yield back the balance of my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Texas. All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. LONG], are absent on official business.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE[, the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS], are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Maryland [Mr. TYDINGS], would each vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting the Senator from Florida would vote "yea" and the Senator from Oregon would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS], and the Senators from California [Mr. KUCHEL and Mr. MURPHY] are necessarily absent.

If present and voting, the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], and the Senators from California [Mr. KUCHEL and Mr. MURPHY] would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Oregon [Mr. HATFIELD]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 27, nays 38, as follows:

[No. 162 Leg.]

YEAS—27

Allott	Hansen	Monroney
Baker	Hickenlooper	Mundt
Bartlett	Holland	Russell
Boggs	Hruska	Stennis
Byrd, Va.	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Dodd	Lausche	Tower
Dominick	McClellan	Williams, Del.
Ellender	Miller	Young, N. Dak.

NAYS—38

Aiken	Hart	Percy
Anderson	Hayden	Prouty
Bayh	Hill	Proxmire
Brewster	Jackson	Randolph
Brooke	Magnuson	Scott
Burdick	Mansfield	Smith
Byrd, W. Va.	McIntyre	Sparkman
Cannon	Metcalf	Spong
Case	Moss	Symington
Fulbright	Muskie	Williams, N.J.
Gore	Pastore	Yarborough
Griffin	Pearson	Young, Ohio
Gruening	Pell	

NOT VOTING—35

Bennett	Harris	McGee
Bible	Hartke	McGovern
Carlson	Hatfield	Mondale
Church	Hollings	Montoya
Clark	Inouye	Morse
Cooper	Javits	Morton
Curtis	Kennedy, Mass.	Murphy
Dirksen	Kennedy, N.Y.	Nelson
Eastland	Kuchel	Ribicoff
Ervin	Long, Mo.	Smathers
Fannin	Long, La.	Tydings
Fong	McCarthy	

So Mr. TOWER'S amendment (No. 829) was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUSSELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 197, beginning with "the" in line 20, strike out all through "year" in line 3, on page 198, and insert the following: "(A) the State, or a government corporation or fund established pursuant to State law, will reimburse the Corporation, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the preceding calendar year on those lines of insurance reinsured by the Corporation in such areas during that year, and (B) each municipality of that State will reimburse the Corporation, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that municipality during the preceding calendar year on those lines of insurance reinsured by the Corporation in that municipality during that year".

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. RUSSELL. I yield.

The ACTING PRESIDENT pro tempore. Will the Senator suspend while we have order? Let there be order in the Chamber.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on the pending amendment, the time to be equally divided between the distinguished Senator from Georgia [Mr. RUSSELL] and the distinguished Senator from Alabama [Mr. SPARKMAN].

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, among the new agencies created in the pending bill is the National Insurance Development Corporation, which is an organization to reinsure the policies of the insurance companies in areas where the insurance costs are particularly high due to rioting and civil disorders.

The purpose of the pending amendment is to make the cities a party to this matter, as well as the States. Under the language in the pending bill, it is stated that the States are compelled to put up a sum equal to 5 percent of the insurance premiums of that type that are paid within the State. There is no obligation on the cities.

Mr. President, under our system, the primary law enforcement duty is on the cities. And it seems to me that they certainly should have a responsibility at least commensurate to the States.

It would be to the advantage of the cities in some cases to say, "Burn, baby, burn," and let the ghetto areas of the city be consumed, because they would have no responsibility whatever in connection with the insurance payments that would ensue as a result of such destruction, but the State would have a responsibility.

The people who live in the States but not within the cities would have to contribute to this fund. They would have to contribute to it in two ways—first, through the State, and second, they would have a potential liability through the power that is given this new corporation to borrow from the Federal Treasury.

It seems to me that since the primary duty to enforce law and order is with the city, the least we could do would be to call on the cities to put up 5 percent of the amount of the premiums on this particular type of insurance, which is not clearly defined in the bill, but which will be subject to negotiation between the new corporation and the insurance companies. They should likewise contribute 5 percent. Only in that way will they feel an equal responsibility for preserving law and order, for preventing the burning of buildings in these high-cost insurance areas.

It could be to their advantage that these buildings burn, because their people would not only collect the insurance, but they would also immediately be in a position to file application for urban renewal, slum clearance, and other Federal assistance available in matters of this kind.

Mr. President, it seems inescapable to me that the cities should be a party to the program. And for that reason I have prepared and offered the pending amendment.

Under the pending bill as reported by the committee, the State must contribute 5 percent of the amount of the premiums of insurance of this type throughout the entire State. That means a contribution on the part of some who could not possibly benefit from the payment of the insurance. Because many areas have little or no likelihood of riots.

It seems to me that the least we could do would be to say that those within the cities who will benefit from the existence of this reinsurance and the payment of the insurance in the event of destruction of property during civil disorders should likewise put up 5 percent.

That is all that the pending amendment proposes to do.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CANNON. Mr. President, does the Senator mean to substitute the cities for the States?

Mr. RUSSELL. No, I do not. I leave the States in, but I would add the cities in addition.

We ought to do something to relieve part of the burden that is sought to be placed on the Federal Government. That is a very minor contribution to the obligation that the Federal Government is assuming on this total reinsurance program. To have 5 percent contribution from the State and then 5 percent contribution from within the city itself which would, of course, be much less than the 5 percent contribution that is already required of the State under the pending bill as reported by the committee, seems to me to be imminently reasonable.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. COTTON. Mr. President is the pending amendment meant to apply to cities of a certain size or certain population or to any subdivision that exists within a city form of government?

Mr. RUSSELL. In my opinion it would apply to any municipality which held a charter from the State in which the municipality is located.

That is much more definite than some of the other provisions of the title which leave the whole problem of fixing the amount of the payments and the responsibility to future contracts between the corporation, which is within HUD, and the insurance companies.

Mr. COTTON. Mr. President, I thank the Senator.

Mr. RUSSELL. Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I wonder if the Senator from Georgia would follow his amendment with me and if he would be willing to accept this modification:

In line 3, strike out "(A)"—

So that it would then read:

The State or a government corporation or a fund established pursuant to State law—

The ACTING PRESIDENT pro tempore. The Chair and the clerk cannot hear the Senator. The Senate will be in order.

The Senator may proceed.

Mr. SPARKMAN. Mr. President, I wonder if the Senator from Georgia would be willing to accept the following modification:

In line 3, strike out "(A)"—

So that the amendment would then read:

The State, or a Government corporation or fund established pursuant to State law . . . .

Then, dropping down to near the bottom:

Strike out "(B)"—

So that it will then read:

Each municipality of that State will reimburse the Corporation, in an aggregate amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the preceding calendar year on those lines of insurance reinsured by the Corporation in that municipality during that year.

I think that ties in the municipalities in that State.

Mr. RUSSELL. Mr. President, I know that I am dealing with an expert in this matter—the distinguished manager of the bill. I had an opportunity to read the bill only casually Saturday and yesterday. However, that could have the effect of materially reducing the contribution of the State and of the municipality to this reinsurance liability fund.

I do not think that 5 percent from the State and 5 percent from the municipality—which, of course, will be much less than the 5 percent from the State in total, because there will be a good deal of this insurance in areas that are not incorporated—is too much to expect. It does not seem that that is too much to ask of people who have the primary obligation for preserving law and order and those who will be the beneficiary of 100 percent of whatever payments are made out of the fund.

Mr. SPARKMAN. The percentage is not changed. It is the same.

Mr. RUSSELL. I understand. But the Senator is merging the liability of the State into that of the municipalities.

Mr. SPARKMAN. In the amendment of the Senator it is 5 percent of the aggregate property insurance in the State and in the city. In the proposal I have offered, it is 5 percent of the aggregate property insurance to be raised by the State and the city. The amendment I offered brings in both the State and the cities, but they work together to decide how it should be distributed between the two.

Mr. RUSSELL. It seems to me that that is another vagueness that is inserted into the proposed legislation. It is already replete with vagueness. To have the States and the cities get together and agree on what they are going to contribute, this rather pathetic 5 percent——

Mr. SPARKMAN. The 5 percent is the same as the Senator proposes.

Mr. RUSSELL. But I propose 5 percent from the State and an additional 5 percent from the cities—10 percent in all. There is a good deal of difference in that and in a 5 percent that is overall, that will be divided up in liability as between the State and the municipalities.

Mr. ELLENDER. Mr. President, I should like to ask a question.

The ACTING PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. SPARKMAN. I do not wish all my time consumed.

The ACTING PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. SPARKMAN. How much time does the Senator from Louisiana desire?

Mr. ELLENDER. I should like 1 minute.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Louisiana.

Mr. ELLENDER. With respect to 5 percent from the State and 5 percent from the cities, does that mean the cities will put up 10 percent and the State 5 percent?

Mr. SPARKMAN. Not under my provision.

Mr. ELLENDER. I mean under the amendment of the Senator from Georgia. The cities would have to put up 10 percent and the State 5 percent?

Mr. RUSSELL. No. It would be 10 percent, but 5 percent would come from the State and 5 percent from the municipalities.

Mr. SPARKMAN. I wonder whether this though should be explored: that the people who are going to support the statewide premium are likewise the people who are going to support the citywide premium.

Mr. RUSSELL. That is partially correct. How about the Federal taxpayer? How about the people of these States who are not able to participate in those programs at all because they do not have riots.

Mr. SPARKMAN. The Senator's amendment relates only to distribution within individual States.

Mr. RUSSELL. That is correct.

Mr. SPARKMAN. That does not affect the Federal contribution at all.

Mr. RUSSELL. It helps to ease the Federal burden, because it increases the contribution of participants other than the Federal Government.

Mr. SPARKMAN. It does not become an additional amount so far as this is concerned.

Mr. RUSSELL. Oh, yes. It would be more under this amendment.

Mr. SPARKMAN. But it would be the same all over the country.

Mr. RUSSELL. The Senator is in effect going to tax every person, everywhere, to get this fund; and he is saying that within the States that enter into the fund, they shall pay 5 percent of the premiums that were paid on similar type property in the year before—on this so-called riot property.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. SPARKMAN. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I am very much in sympathy with what the Senator from Georgia is trying to accomplish, but, to be realistic about the problem, many of our cities are in financial trouble. The only place they can go to raise taxes is to the homeowner. And real estate taxes today have reached the point at which it is almost prohibitive to own a house in many cities.

A short time ago—this is where we are becoming quite inconsistent—there was a tremendous movement on the floor of the Senate, during consideration of the Omnibus Crime Control and Safe Streets Act of 1968, for bloc grants. It was argued at that time that the State should have the authority, because only the State can call out the National Guard and the State can enforce the law. If we want a 10-percent contribution, let us look to the State and let the State work it out, as the Senator from Alabama has suggested. The cities are already troubled, because they do not have sufficient money to pay teachers, firemen, and policemen—so much so that we passed this past week a bill to help them, so that they could raise the salaries of their policemen.

Now we say the cities have to come up with a 5-percent guarantee. I am afraid that is too much a burden for the cities to bear.

If 10 percent should be the minimum that the States and the cities should contribute, then I say we should look to the States and let the States work it out with the cities.

I believe this amendment will be adding insult to injury. Only a short time ago we said, "Let us have bloc grants, because the State is responsible, the State can call out the militia, the State can guarantee protection. So let the State get the money."

When it comes to pay out then we say let us look to the city; when it comes to give grants, look to the State. I believe we are being inconsistent.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. ANDERSON. Has this proposal been submitted to a rating bureau?

Mr. SPARKMAN. This was worked out with the insurance industry and with the various State insurance authorities, represented by the National Association of Insurance Commissioners.

Mr. ANDERSON. It has been approved by the insurance companies?

Mr. SPARKMAN. I do not mean the amendment I propose, but the provision contained in the bill.

Mr. ANDERSON. I invite the attention of the Senator from Georgia to the fact that 10 percent is a large insurance premium.

Mr. RUSSELL. I do not know what the Senator is referring to, but this is 10 percent of the insurance policies that are paid on the high-risk insurance in areas which are likely to have riots and civil disorders.

The Senator from New Mexico knows so much more about insurance than I do that I hesitate even to mention the word "insurance" in his presence.

But this is not a gigantic sum. In some cities it will hardly amount to anything; in others, it may be a substantial sum.

But the cities have the right to levy taxes on insurance premiums. They have a right to levy taxes on people who acquire insurance. And these people are going to be the beneficiaries of this insurance. It seems to me that they should contribute something.

Mention has been made of people in bad financial condition. Look at the national debt of this country and the billions of dollars that we owe. I think it is about time that we commiserate a little with the Federal Government and the people of the United States. They also have considerable financial problems which are rapidly increasing.

Mr. SPARKMAN. I will say this to the Senator from Georgia: If he will accept the proposal I have offered, I will accept his amendment.

Mr. RUSSELL. I am not sure I understand the Senator's proposal. I know it is going to reduce the contributions that are to be made locally to this fund. I am not in favor of putting the Federal Government into the insurance business. I think we have enough corporations and agencies of the Federal Government already. But if this is going to be done, and this bill does, and it puts an obligation on the States, I say that the city and the municipal authorities are primarily responsible for the preservation of law and order; and we ought not dangle before them the prospect of a benefit or a subsidy by not utilizing all their power to enforce law and order in the community. Unless we put some responsibility on the cities, they have no feeling of obligation whatever to assert law and order and to preserve it within the city, insofar as this proposal is concerned.

Mr. SPARKMAN. Mr. President, I say this to the Senator from Georgia: The State has the right, under this proposal, to arrange with the municipalities a share of the financial responsibility to be borne by them. In other words, nothing in the proposal says that the State shall pay so much and the municipalities so much. The arrangement would be worked out between them.

Mr. RUSSELL. As to the 5 percent?

Mr. SPARKMAN. Yes. After all, the State is the supreme power within the State.

I believe this is a direction to the State to see that the municipalities share this financial burden. I see no reason why we cannot trust the States and the municipalities to work this matter out among themselves. Talk about the burden of the debt—I am under the impression that of all the subdivisions of government, the cities in this country are most heavily under debt.

Mr. RUSSELL. If you look at the per capita indebtedness figures, you will find that the Federal Government has a much larger obligation than the cities of this country. I do not think there is any doubt about that. It is a large obligation of the total Federal debt, per capita, of the people of the United States. When you assess against a city, you say that those who will be the beneficiaries should at least accept this very insignificant part.

This 5 percent does not mean 5 percent of what they are going to pay out. It means 5 percent of the premiums paid in on the preceding year. It does mean it will be 5 percent of what will be paid out. It will not amount to anything like that if there is a serious disorder. It says that the city has the obligation to preserve law and order.

Mr. SPARKMAN. What happens in a metropolitan area such as the area of Miami and the great metro that is there?

Mr. RUSSELL. Miami is divided into municipalities and each of them would be a separate organization. Some of them would contribute practically nothing because there would be none of this type of insurance that would have been issued.

Mr. SPARKMAN. And the loss would not have been sustained in that particular area.

Mr. RUSSELL. That is right. It only serves those where the payments are made on the insurance, or where this insurance is written.

Most of the cities of the United States would not be responsible for it under my proposition; it is only those likely to have civil disorders that would result in great loss or destruction.

Mr. SPARKMAN. I wish to ask the Senator one other question. Take the situation across the river in Arlington, which is not a city, but a county. Would "municipality" cover that?

Mr. RUSSELL. I am not sure as to that.

Mr. SPARKMAN. There are other areas. There is Silver Spring, Md., which is not incorporated.

Mr. RUSSELL. I am not so sure about that.

Mr. SPARKMAN. Fairfax County has no municipality.

Mr. RUSSELL. I am not sure about Silver Spring, Md., not being incorporated.

Mr. SPARKMAN. Yes. I believe it is the second largest city in Maryland and it is not incorporated.

Mr. RUSSELL. Certainly, that does no more violence to justice than the Senator's original language.

There are a number of States whose constitutions prohibit them from making contributions of any kind to a private fund such as this. They cannot get in on this scheme of things at all, but they will have to pay their part of the 5 percent the Senator assesses of any excess losses incurred by the corporation?

Mr. SPARKMAN. And that would have to be done under the Senator's proposal.

Mr. RUSSELL. That is right, so there is no less justice in my proposal and much more justice than in the Senator's original committee language.

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. On my amendment, I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. RUSSELL. I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Georgia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. LONG], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Maryland [Mr. TYDINGS] would each vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Mississippi would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Florida would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Connecticut would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS], and the Senators from California [Mr. KUCHEL and Mr. MURPHY] are necessarily absent.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from Utah would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Oregon [Mr. HATFIELD]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Oregon would vote "nay."

On this vote the Senator from Arizona [Mr. FANNIN] is paired with the Senator from California [Mr. MURPHY]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from California would vote "nay."

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

The result was announced—yeas 25, nays 35, as follows:

[No. 163 Leg.]

YEAS—25

Bartlett	Hill	Spong
Byrd, Va.	Holland	Stennis
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Gore	Miller	Williams, Del.
Hansen	Monroney	Young, N. Dak.
Hayden	Mundt	
Hickenlooper	Russell	

NAYS—35

Aiken	Griffin	Pell
Allott	Gruening	Percy
Anderson	Hart	Prouty
Baker	Jackson	Proxmire
Bayh	Magnuson	Randolph
Boggs	Mansfield	Scott
Brewster	McIntyre	Smith
Brooke	Metcalf	Sparkman
Burdick	Moss	Symington
Case	Muskie	Williams, N.J.
Dominick	Pastore	Yarborough
Ellender	Pearson	

NOT VOTING—40

Bennett	Harris	McGee
Bible	Hartke	McGovern
Carlson	Hatfield	Mondale
Church	Hollings	Montoya
Clark	Inouye	Morse
Cooper	Javits	Morton
Curtis	Kennedy, Mass.	Murphy
Dirksen	Kennedy, N.Y.	Nelson
Dodd	Kuchel	Ribicoff
Eastland	Lausche	Smathers
Ervin	Long, Mo.	Tydings
Fannin	Long, La.	Young, Ohio
Fong	McCarthy	
Fulbright	McClellan	

So Mr. RUSSELL's amendment was rejected.

Mr. SPARKMAN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. RUSSELL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. On page 213, it is proposed, strike out lines 9 through 14 and renumber the sections accordingly.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on this amendment with the time to be equally divided, 30 minutes to the Senator from Georgia [Mr. RUSSELL] and 30 minutes to the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I think I sense the attitude of the Senate, but in good conscience I cannot refrain from offering the amendment which I am proposing.

The bill proposes to open up the Federal Disaster Assistance Act—which has stood us in good stead for a long time—

for payments of grants for damage wrought by civil disobedience, by riots, and civil disorders generally.

This natural disaster act has been used in time of flood, in time of hurricane, and has always been applied to disasters caused by natural forces—what might be called acts of God.

Now we propose to open up the Disaster Act to make grants to cities to take care of destruction wrought by civil disorders and civil disobedience. We have opened up a number of other funds for that purpose; namely, the Small Business Administration, and two sections of the Housing Act which have been amended in the same bill, to make payments for damages due to civil disorders and riots.

It seems to me, in good conscience, that we should not open up the Disaster Act, which provides for payments for visitations of natural origin, such as earthquakes in Alaska, hurricanes in New England, and floods in Florida, and say, "Go and have a big time, boys. Burn it down. Here is the Federal Disaster Assistance Act. We have opened it up. We can now make grants to you to make it good."

Mr. President, I want a record vote on this amendment and therefore ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. Mr. President, I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, this is a section of the bill which the committee added because it feels very strongly that the Federal Government should regard the riots we have had this year and last year as disasters and because our cities are being placed in an impossible situation unless some kind of significant Federal assistance can be made available to them.

The bill has two sections to help the cities; namely, to help city facilities and also to help homeowners, small businessmen, and others, whose property has been destroyed.

So far as the cities are concerned, the bill provides that, if the President should determine—and the bill permits him to determine—that a disaster has taken place according to his definition, then Federal funds would be used to provide replacement of public facilities, for debris clearance, and for temporary shelters and housing.

Mr. President, the Office of Emergency Planning indicates their experience is that they always require the city or area to contribute a reasonable amount. They do it on a sliding scale, in accordance with what the particular disaster area can afford. Under current regulations, the State must certify that it and local communities within the State have spent a certain amount of their own funds for the current disaster and for all disasters in the preceding 12 months. For States such as New York and California, this figure is set at $5 million. For the smallest States, it is set at $350,000. Federal assistance cannot be provided without such a certification.

I think we have to recognize that a part of the assistance provided by the committee provision that is for private persons would be loans repayable with interest. It would be 3-percent interest, it is true, but the small homeowner or the small businessman would be desperately in need. A riot means misery and loss of life. The Federal Government provides loans, not gifts, repayable in full, as I have said.

It might be argued that with the insurance coverage, loans will not be needed. However, loans would still be necessary, because, in the case of a small business which is put out of business for 3 or 4 months—which is the case when riots take place—it takes that long to rebuild. Drive down Seventh Street or 14th Street in Washington and one can estimate how long these people are going to be out of business. When they have a loss of the business and of their working capital, it is going to take a loan in order to put them back on their feet. It will not be enough simply to have an insurance company replace their inventory or equipment or plant. They will have lost money for the time their business has been closed down. This provision would enable them, if the SBA Administrator declared a disaster, to borrow money and repay it.

The Kerner Commission, which was composed of both Republicans and Democrats, and of people from all sections of the country, unanimously recommended this provision. The committee has informally checked with the various Federal agencies in this provision. No objections to this provision by any Federal agency have been received by the committee.

It seems to me that if we are going to do something, in a modest way, to try to have the Federal Government help in riot circumstances, this provision ought to stay in the bill.

Mr. RUSSELL. Mr. President, not only have Senators just voted to levy heavy taxes on people who may not live anywhere near these areas and pay for this insurance, but this bill specifically opens up the Small Business Act, by inserting the words "riot or civil disorder" into it, so that the Small Business Administration will be applicable in the case of riots. Not only that, but you open up section 101 of the Housing and Urban Development Act by striking out the word "natural," and thereby make it applicable for all these riots and disorders.

Section 111 of the Housing Act of 1949 is amended by inserting "riot or civil disorder," before "or other catastrophe."

So you are creating a tremendous field here to take care of these riots and civil disorders already. You impose taxes on people who are not likely to have any riots or civil disorders to pay for all these disorders through these other agencies.

It seems to me we ought to keep our hands off the natural disaster assistance program and not get involved in these kinds of riots and civil disorders.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. TOWER. As I understand the Senator's amendment, it addresses itself only to the natural disaster program and does not affect these others?

Mr. RUSSELL. These others are written into the law. This amendment does not affect those at all.

Mr. TOWER. So there is plenty available to them.

Mr. RUSSELL. There is plenty available to them through other channels. This provision can only be an inducement for more riots and disorders. If that is what you want, go ahead and open this up. Make grants and low-interest loans available.

I looked through the hearings, and I did not find any testimony taken by the committee at all on this provision. It may be in there, but I was unable to find it in there. I also called the Office of Emergency Planning, and they said their views had not been solicited by the committee. They further said that this act had been used heretofore only to undertake to extend aid in the case of natural disaster.

You have opened up four new fields already to permit the Federal Government to extend financial aid in the case of riots and disorders. We passed the Natural Disaster Act to take care of hurricanes, floods, and so forth. I do not think we should apply it to riots and disorders. The natural disaster program never had a large fund in it, and you exhaust it, pay it out, and have a great natural disaster, and Congress will have to be called back into session or other drastic action will have to be taken to extend any assistance in that event.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I call to the attention of the distinguished Senator from Georgia a fact which he well knows, and I want to recall it now. It is that the Committee on Agriculture and Forestry and the body of the Senate several times have refused to extend to the farming community of this country, under the disaster loans made by the Farmers Home Administration, small interest loans which are the help they would get by including market difficulties with natural disasters. We have declined to step up that natural disaster area in that field, which is certainly as distressed a field to communities of farm people as this is to the people of the cities.

I hope we will follow the same philosophy, because the mercy of this country as established through this type of legislation is not to cover manmade difficulties, but to cover difficulties brought on by nature itself.

I hope the Senator's amendment will prevail.

Mr. RUSSELL. I have little hope that it will. The most important thing seems to be to extend help to people whose businesses or homes are destroyed by riots and disorders that in many cases could have been prevented and should have been prevented. I hope to keep this program reserved to what it was enacted for, when this Nation was a more reverent nation than it is today—disasters caused by acts of providence. Now, of course, the effort is to go ahead and turn it over to those caused by riots and civil disorders.

Mr. BAYH. Mr. President, will the Senator yield to me some time?

Mr. PROXMIRE. How much time does the Senator wish?

Mr. BAYH. Do we have 5 minutes?

Mr. PROXMIRE. I yield 5 minutes to the Senator.

Mr. BAYH. Mr. President, I am reluctant to impose myself into the debate concerning housing legislation, inasmuch as I do not consider myself an expert in this matter; but following the tornado which hit the Midwest in 1965, I, together with others of us who come from Midwestern States, drafted the latest revision of the Natural Disaster Act which is on the books, which was finally passed in 1966, and which, in my judgment, is very inadequate, because the House took out what we passed in the Senate without a dissenting vote.

To try to patch up the act, we introduced S. 438, which is on the Calendar now. That is the only reason why I got involved in this discusison on housing. I personally have given a tremendous amount of thought to what to do to help our citizens in the event they are confronted with such a disaster.

I have taken a very dim view of the relative merits of rushing to the assistance of citizens of foreign countries when they are confronted with disasters, and not doing more than we do now to help our own citizens. I hope the provisions of S. 438 will become part of the law.

I have thought about the problem presented by the distinguished Senator from Georgia. This is a new type of disaster, but the thing that appeals to me about it as a proper subject for disaster relief—we held hearings on the subject in the Committee on Public Works, at which some of these questions were raised, and the Senator from Michigan [Mr. HART] was there, right after the Detroit conflagration—is that the great majority of the people affected by these riots are not implicated in them in any way except presence; they are innocent bystanders, swept along by this fire started by a few.

I would be very much in favor of the Senator from Georgia or any other Senator offering an amendment that nobody who was implicated in a riot could take advantage of the disaster provisions. I think such an amendment would be well taken. I state to the Senator from Wisconsin that, if he or the Senator from Georgia do not wish to do so in the event this one fails, I should like to offer such an amendment.

The thing that appeals to me about the justice in so limiting the disaster provisions is that now someone can start a fire in his own neighborhood, and if it gets out of hand and becomes a national disaster, he can take advantage of that fact. On the other hand, if the amendment of the Senator from Georgia were adopted, we would be saying to innocent citizens, stricken just as devastatingly as if they had been victims of a tornado, "We cannot help you."

The only limitation would be that the disaster would have to be large enough that the President of the United States would trigger those provisions. If it is not, then this coverage is not afforded.

I feel we should leave the provision on the disaster provisions in the bill, because of the innocent people affected; but if one with such limited seniority and experience as I might have the temerity to suggest a change in the wording of the amendment of the Senator from Georgia—for whom I have the greatest respect—I suggest that the emphasis should be designed to get at those who start the riots, and prevent them from benefiting from the consequences of their own acts.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield 3 minutes to the Senator from Texas.

Mr. TOWER. The only trouble with the proposal of the Senator from Indiana—and I certainly agree that people who incite riots should not benefit from any Federal programs aimed at relief of the victims of rioting, arson, and looting—is that some of our cities are also implicated here.

I think that where the police department of a great city like Washington, D.C., is reduced to the function of directing traffic for the looters, standing idly by while they go about their work, because of the law enforcement policy of that city, then that city has implicated itself also. I think we have to say to the cities, "We cannot help you out of this fund unless you insist on adequate law enforcement, and not inordinate restraint, on the part of your police department."

Mr. PROXMIRE. Mr. President, I yield myself 3 minutes.

I am sure that everyone in this room realizes that no city wants a riot. It is inconceivable that any mayor, any policeman, or any public official in any city, regardless of how exalted or humble his position, would want a riot. None of us wants riots; we all know that. I think it is insulting even to suggest that any official would want such a thing. We all want to prevent them.

There are different views on how riots should be prevented. We could debate that at great length. We do know, however, that when riots take place, they are catastrophic to the city and innocent people are involved. The loss can be enormous and overwhelming.

Mr. President, I wish to stress, in reply to the Senator from Indiana, that section 1107(a) of the bill provides grant aid only to communities, not to any individual. The only individual who could benefit, from being able to borrow money and repay it, is one whose home has been burned down. There are other sections of the law which, as the Senator from Georgia properly pointed out, which are triggered by a Presidential declaration of a disaster under the Federal Disaster Act. One is section III by the Housing Act of 1949 which gives priority to victims of declared disasters to relocate in urban renewal areas.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. PROXMIRE. In just a moment.

The other is section 203(h) of the National Housing Act which provides 100 percent FHA mortgage insurance to victims of areas declared by the President as disaster areas. In addition Section 101(c)(2)(E) of the Housing and Urban Development Act of 1965 is triggered by an SBA declared disaster. This affords victims eligibility under rent supplements, provided income and other requirements are otherwise met.

These three sections are triggered by declared disasters. It does not open up Government programs in any big, broad, comprehensive way; it simply provides those limited benefits to the victims.

Incidentally, I believe the committee would be happy to accept any kind of amendment which provided that anybody who took a deliberate part in a riot would not be able to obtain any benefit from it. I see no objection to that.

I yield to the Senator from Indiana.

Mr. BAYH. The Senator from Wisconsin answered the question I had in mind, which is that the SBA and the FHA do provide loan provisions for individual citizens. Therefore, I think if we are going to permit riot disasters to be covered, anyone apprehended in violation of the law during the riot should be denied the opportunity to take advantage of it.

Mr. PROXMIRE. We will be happy to work with the Senator from Indiana; I am sure the committee will agree to an amendment to that effect, and take that language to conference.

Mr. DOMINICK. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield.

Mr. DOMINICK. I merely wish to find out some facts and figures to help me make my decision.

How much do we have authorized and appropriated in the disaster fund, does any citizen know?

Mr. PROXMIRE. I understand it has been in excess of several hundreds of millions of dollars since 1950, over the life of the program.

Mr. DOMINICK. Over the life of the program, and, therefore, the funds available?

Mr. RUSSELL. There has never been that much available. That is cumulative.

Mr. DOMINICK. As an average, around $35 million per year?

Mr. RUSSELL. The Senator is correct.

Mr. PROXMIRE. I understand they have averaged $35 million or $40 million a year.

Mr. DOMINICK. All right. How much damage is done in a riot such as that here in Washington, or Watts?

Mr. PROXMIRE. Just this morning, in hearings before the District of Columbia Appropriations subcommittee of the Senator from West Virginia [Mr. BYRD], we had testimony on that subject. They have not been able to come up with any definitive figures. They have not arrived at any final figures.

Mr. BYRD of West Virginia. Not as yet. That figure is preliminary.

Mr. DOMINICK. Is my understanding correct that the provisions of this bill would be available only for public facilities?

Mr. PROXMIRE. The provision for grants would be only for public facilities. It would be possible for those whose homes and businesses were destroyed to borrow money and repay it at 3 percent interest, over a 40-year period.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Reference has been made here to hearings on this part of the bill. I walked in just in time to hear that.

As I understood, no hearings had been held. Will the Senator point out to us, in the record of the hearings, on what page we may find the testimony, and the names of the witnesses, on this part of the bill?

Mr. PROXMIRE. The committee did not hold hearings on this particular section of the bill. There were no hearings by the Banking and Currency Committee.

Mr. STENNIS. Does that mean there is no testimony before the Senate ?

Mr. PROXMIRE. There is no testimony on this particular provision.

Mr. STENNIS. What did the members of the committee act on, their personal ideas, newspaper reports, or what?

Mr. PROXMIRE. We acted on the basis of unanimous recommendations by the Kerner Commission, and on the basis of the experience and understanding of members of the committee over the years, in the Senate, on similar legislation covering natural disasters.

Mr. STENNIS. The Kerner Commission had already reported, had it not, before the fires here in Washington?

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. I have noted that there have been reports of two or three fires each night since the large-scale burning, that the police have said they attributed to Molotov cocktails, or to the reasons for the original burning. Would they be included in the measure?

Mr. PROXMIRE. Definitely not. They would only be covered if the President should determine those fires an emergency sufficient to warrant his decision that Federal aid should be granted.

I am sure the Senator is familiar with the situations in various parts of the country in which Presidents have always been reluctant to declare emergencies and have only done so where they were of great consequence and extended far beyond the resources of the community.

Mr. STENNIS. With those fires continuing for the same reason, why should they be cut off? Why would they not come under the same provision as originally?

Mr. PROXMIRE. This would be a matter of judgment and determination.

The Federal Government, in my judgment, could limit the period for which the benefits would be paid. Otherwise, it would be open-ended.

Mr. STENNIS. The bill does not make such limitation?

Mr. PROXMIRE. No. This is the normal practice of the Office of Emergency Planning.

Mr. STENNIS. It depends on the emergency, and the Office of Emergency Planning determines that.

Mr. PROXMIRE. The Senator is correct. That is my understanding.

Mr. STENNIS. That is all I had in mind.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, one observation that should be made is that there is a limited amount of money in the disaster fund, and any time a disaster occurs, the money comes out of that fund. That means that there is less remaining for any future disaster that might occur.

What if we went through a long hot summer and experienced civil disorders in various cities which ate up all of the funds in the disaster fund? If we then had another bad hurricane along the gulf coast or another earthquake in Alaska or a series of tornadoes or cyclones in the Midwest, there would not be any funds to assist those localities.

As the Senator from Georgia pointed out, there are multifarious other programs available for relief in the case of riot.

I can remember when we had Hurricane Beulah in Texas and an earthquake in Alaska. It was touch and go as to whether there would be adequate funds to compensate for the disasters that had occurerd.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I yield myself 2 minutes.

Mr. TOWER. I yield.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. I believe the answer is that in the event of any such situation, it would be necessary to come to Congress for appropriations.

Congress made appropriations for the Louisiana disaster and for the Alaskan earthquake.

The request would go to the Appropriations Committee, and the Appropriations Committee can say yes or no. The Senate and the House would then exercise their judgment. However, this would just not open up the Treasury.

Mr. TOWER. I would prefer to have the money available immediately and without appropriations.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. AIKEN. In the event the amendment offered by the Senator from Georgia is agreed to, would the small businessman in the city still be protected under the bill?

Mr PROXMIRE. The small businessmen in the cities would not be in a position to borrow money to provide for their working capital. They would be covered by reinsurance.

Mr. RUSSELL. Under subsection (b) it specifically opens up the Small Business Act to loans for riots and civil disorders.

The Senator will find that on page 213 of the bill.

Mr. AIKEN. Mr. President, my other question concerns damage done to the city itself. Would damages include damage to property? Would it include loss of business due to a business leaving town and going elsewhere, or would it include the kind of damage done tc city government, such as to the city hall that might be rated as a disaster?

Mr. PROXMIRE. Mr. President, the city's own facilities could be badly destroyed. The city might own utilities which might be destroyed or damaged, and city equipment such as fire equipment might be badly damaged.

I think it is clear under the basis of past experience and Presidents' decisions in the past that they will not declare an emergency unless the damage is so great that it is not possible for local resources to take care of it.

Mr. AIKEN. Could damage cover lost taxes or loss of business to the town?

Mr. PROXMIRE. It could not.

Mr. AIKEN. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 minutes.

Mr. RUSSELL. Mr. President, I point out again for the benefit of any Senator who may doubt it that all he has to do is to open the bill to page 213 to see that there is made available by the bill reported by the committee loans from the Small Business Administration which, in the case of disaster, is 3 percent, the same as it is under the disaster provision.

It provides for rent supplements to those who are affected adversely by riots and civil disorders and who need housing. And it provides for urban renewal areas which would be rebuilt, including the rebuilding of a city hall, to which the Senator from Vermont referred, in the case of riots and disorders which destroy the public buildings.

Mr. PROXMIRE. Mr. President, the staff of the Committee on Banking and Currency advise me to the contrary. The Senator is correct about the first part. There would still be loans available from the Small Business Administration. However, the rent supplements would be triggered by (b), and if we knock that provision out, the rent supplements could no longer be made available to those who had lost their homes. Section (d), which refers to urban renewal, is triggered by (a), and that would be knocked out by the Senator's amendment.

Mr. RUSSELL. Mr. President, I do not concede that at all. I have the utmost respect for the staff of the committee, but it would leave all except that explicitly deleted in the bill this provision in section 101(c), subparagraph 2, (e):

> The Housing and Urban Development Act of 1965 is amended by striking out the word "natural".

Mr. PROXMIRE. I understand that.

Mr. RUSSELL. The Senator says that would have no effect whatever if we try to preserve disaster legislation for a real natural disaster.

Mr. PROXMIRE. The answer is that HUD has no authority to declare a disaster. Only the President or the SBA Administrator has that authority. And if the President's authority to declare a disaster in the event of a riot is taken away, then all opportunity for the victims to apply for assistance is also taken away.

Mr. RUSSELL. Mr. President, I hesitate to speak in this manner in the presence of the staff of the committee who have no other business than to keep themselves informed. However, the Small Business Act has a provision providing for disaster loans and making such loans at 3 percent rather than 5 percent.

Mr. PROXMIRE. The Senator is correct in his statement about the Small Business Act. However, with respect to urban renewal, this part does not stand independently. Therefore, it would be knocked out by the amendment of the Senator, which would make it impossible for the President to declare a disaster situation if a riot were to take place.

Mr. RUSSELL. Mr. President, I am sure that the staff of the committee is able to draw a one-line amendment that would say—and if they cannot do so, it is a pathetic situation—that these two provisions can be triggered by a riot or civil disorder. That amendment could be offered. And it would be a very simple matter to do so. By preserving the disaster fund for natural disasters, we do not preclude any amendments to the remainder of the bill.

The Senator from Wisconsin well knows that he can draw a one-line amendment that would permit urban renewal and rent supplements to be triggered by any disaster, whether declared by the Small Business Administration or by the President or by HUD, for that matter, to make these funds available.

I must say that I do not think that is a very fair argument when the Senator knows that a simple amendment would clarify the matter and make these other two provisions viable in the case of riots or disorders.

Mr. PROXMIRE. I understand the Senator's position well. I was saying that the amendment is not drafted in that manner. It seems that it would knock out sections (c) and (d).

Mr. RUSSELL. My purpose is to try to save the disaster fund for natural disasters.

We are doing everything in the pending bill for riots and civil disorder victims. We are taking care of them on the insurance.

We are letting the Federal Government go into the insurance business and reinsure all these areas where they are likely to have destruction. We are revising the Small Business Act, which heretofore had not been generally available in cases of riots and disorders. We are triggering it. A very simple amendment, which I will be glad to help the staff with if they cannot draw it up themselves—I know the Senator from Wisconsin could draw it in 1 minute—would trigger and make available the rent supplement provision of the Housing Act and the urban renewal provisions of the Housing Act. But I do think we ought to have some sense of proportion here and leave this disaster fund where it is. I do not remember just how much is available, but my best recollection is that it is somewhere between $35 and $40 million.

The PRESIDING OFFICER. Does the Senator yield himself additional time?

Mr. RUSSELL. Have I consumed all my time?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. RUSSELL. I yield myself 4 additional minutes.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Indiana.

Mr. BAYH. I have not been able to follow the entire discussion.

Inasmuch as the Senator is willing to permit the two provisions to which he has referred, is he also willing to permit the Small Business Administration——

Mr. RUSSELL. I am not touching that. Under the act, the Small Business Administration can make 3-percent disaster loans to these riot and civil disorder areas.

Mr. BAYH. The unfortunate thing about the disaster legislation is that now it is scattered all over the statute books. If we are really going to deal with disasters, we have to touch four or five different acts. I believe that is why the Senator from Wisconsin has touched all of these in trying to provide equal treatment in the event that there is a nonnatural disaster.

Mr. RUSSELL. The Senator from Indiana knows that a one-line amendment can be drawn to subsections (c) and (d) which will have the same purport and effect as the amendment to the Small Business Act, which entitles a man to a 3-percent small business loan in a catastrophe.

I think everything is being gobbled up that has been set aside for an operation of the Government in many areas, in undertaking to alleviate the anguish of people who are stricken by natural disorders, in our great haste and in our determination to see that everything is available to the cities which have riots and civil disorders.

I am not trying to avoid loans of 3 percent by the Small Business Administration. Frankly, I do not favor them, but I know the Senate does. And I am not trying to avoid the rent supplement. I think there is sound ground for that, if you are going to have rent supplement at all, to take care of the innocent people who are burned out by these disorders. And I am not trying to prevent application with respect to urban renewal areas. I do think we ought to leave in the natural disasters and not open it up to manmade disasters.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. In the event the President makes a finding of a disaster with respect to a city, does he find the nature of the damage or simply the cause of it?

Mr. RUSSELL. He finds on the basis of a natural disaster; and if he finds it is a natural disaster of sufficient magnitude, such as an earthquake, a flood, or a hurricane, he opens up the disaster fund.

Mr. AIKEN. But does he have to specify the cause of the disaster?

Mr. RUSSELL. If it is a natural disaster, he does not have to specify it. I do not know. Most of the orders I have seen handed down say, "Whereas such-and-such an area was visited by a hurricane," and so forth. But I do not think there is anything in the law that requires it. I do not know.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HANSEN. I should like to ask a question. I have listened with great interest to this discussion, and it occurs to me that if the bill were to be drawn as the committee recommends, would it not be the considered opinion of the distinguished Senator from Georgia that there might actually be instances in which people would be encouraged to contribute to the disaster? I am thinking of a riot situation in which fires are erupting throughout a city. If someone should contemplate the designation of a disaster area by the President, might not this actually serve in a few instances, with people less than scrupulous, to contribute to the disaster?

Mr. RUSSELL. I think that is true as to all sections of this title XI, but I am now only undertaking to preserve this fund for natural disasters.

It has been there for years; it has served a useful purpose. It is not a large fund. It does have some $200 million or more of cumulative assets, but most of it is in the form of loans. The actual cash available is some $35 million, as I recall. Certainly, that ought not be required to go with all of these other elements to repair the damages caused by riots and disorders.

Of course, the more money that is made available to them, the more attractive will be the riots and disorders as a kind of system of cheap urban renewal.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Pennsylvania [Mr. SCOTT], and as I do that, I might say that this provision was authored by him. It was his idea, and the committee put it into the amendment.

Mr. SCOTT. I thank the Senator for his kind comments.

Mr. President, I rise in opposition to the pending amendment proposed by the distinguished and respected senior Senator from Georgia [Mr. RUSSELL]. That amendment would strike from the bill section 1107(a) which would amend the Disaster Relief Act of 1950 to include specifically riots and civil disorders within the definition of "major disaster." Under that act, communities designated by the President as victims of major disasters can receive Federal emergency assistance, such as the provision of temporary or emergency housing for families rendered homeless by such natural disasters as hurricanes and tornadoes, and the use of Federal equipment, supplies, facilities, and personnel.

The provision proposed to be stricken by the pending amendment is virtually identical to section 1 of S. 2209, a bill to clarify the application of certain provisions of law in the case of major disasters resulting from civil disorder, which I introduced in the Senate on August 2 of last year. Indeed, Mr. President, S. 2209 in its entirety is virtually identical to section 1107 of the pending bill. It was incorporated into the bill in committee on the motion of the able and distinguished senior Senator from Wisconsin [Mr. PROXMIRE] to whom I now express my deepest thanks.

When introducing S. 2209, I stated that it would "clarify the meaning of disaster so as to leave no doubt or cause for hesitancy concerning the legality of providing assistance to the victims of riots such as those which have shaken

our Nation in the past days." I pointed out that its purpose was "not to reward the violent, but to improve the condition of the innocent victims of violence." Mr. President, let me reiterate and reemphasize what I asserted last August 2:

Violence cannot and must not be tolerated. But laws to repress violence will not cure intolerable inequalities.

I also wish to point out that a similar bill, H.R. 11891, was proposed in the House of Representatives on July 27, 1967, by the very able gentleman from Maryland, Mr. MATHIAS, and a number of his Republican colleagues.

Mr. President, it is my very deep desire that section 1107(a) be kept in the bill. Disaster is disaster, and if it is not caused by the action of the person to be benefited, it is of small difference to him whether it has been caused by a tornado or by a riot, for example. The damage is there, he did not cause it, and the need for relief is great.

I ask unanimous consent, Mr. President, to have printed at this point in the RECORD my remarks about S. 2209 delivered on the floor of the Senate, on August 2, 1967. I also ask unanimous consent that S. 2209 and H.R. 11891 be printed thereafter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RIOT RELIEF BILL

Mr. SCOTT. Mr. President, I introduce for appropriate reference a bill which clarifies the application of certain provisions of existing law in the case of major disasters resulting from civil disorder. A similar bill has been introduced by 15 Republican Members of the House of Representatives.

My bill redefines "major disaster" in the Disaster Relief Act of 1950 to include riots, and makes assistance applicable to the victims of riots through the Small Business Act, the rent supplements section of the Housing and Urban Development Act of 1965, the urban renewal section of the Housing Act of 1949, and the mortgage insurance section of the National Housing Act.

The determination of a disaster area will still be up to the President, but my bill will clarify the meaning of disaster so as to leave no doubt or cause for hesitancy concerning the legality of providing assistance to the victims of riots such as those which have shaken our Nation in the past days.

The purpose of my bill is not to reward the violent, but to improve the condition of the innocent victims of violence. Violence cannot and must not be tolerated. But laws to repress violence will not cure intolerable inequalities.

My bill is not offered as an all-purpose solution to our problems, but as a beginning in the massive pacification and development programs needed in our urban areas. The United States is spending millions of dollars a day for pacification in Vietnam and seems to be unable to cope with the powder keg on which we perch here at home. We cannot simply pray that things simmer down and hope that they do not flare up again.

The Congress should reexamine its priorities and bring legislation promptly to the floor of both its Houses.

It is good that President Johnson has taken quick action on the recommendation of Senator BROOKE of Massachusetts to investigate the cause of the riots. The question recurs: What will be done while the probers probe?

Last week, nine other Republican Senators and myself urged that Congress provide the necessary funds for recently enacted urban programs, including model cities and rent supplements. I will continue to press hard for these funds.

Next week, the Housing Subcommittee of the Senate Banking and Currency Committee will complete hearings on the rat extermination bill. I urge a favorable report by the committee and intend to rally as much support as possible to pass effective rat control legislation. I see nothing amusing in the ravages of rodents and still less in the failure of local administrations to do much about it.

Another area where legislation is needed is a program for Federal reinsurance guarantees so that individuals and businesses in cities hit by riot can receive future insurance protection.

These measures, desirable as they are, will not bring an end to the conditions which cause riots. Yet they are a part of the massive commitment which must be made, and sustained, by every level of government, by business, by every American in every walk of life, to see that all parts of our cities are fit for human habitation and that all our fellow citizens share in the promise of a prosperous and civilized nation.

We have a mandate, in this country, to bring about the restoration of domestic tranquillity.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2209) to clarify the application of certain provisions of law in the case of major disasters resulting from civil disorder, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 2209

A bill to clarify the application of certain provisions of law in the case of major disasters resulting from civil disorder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITION OF "MAJOR DISASTER"

SECTION 1. Section 2(a) of the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855a. (a)), is amended by inserting "civil disorder," before "or other catastrophe".

SMALL BUSINESS LOANS

SEC. 2. Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended by inserting ", civil disorder," before "or other catastrophies".

RENT SUPPLEMENTS

SEC. 3. Section 101(c)(2)(E) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s.(c)(E)) is amended by striking out "natural".

URBAN RENEWAL

SEC. 4. Section 111 of the Housing Act of 1949 (42 U.S.C. 1462) is amended by inserting "civil disorder," before "or other catastrophe".

MORTGAGE INSURANCE

SEC. 5. Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by inserting "civil disorder," before "or other catastrophe".

H.R. 11891

A bill to extend Federal disaster relief to victims of major riots and civil disorders, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) The first paragraph of section 2 of the Act of June 27, 1934 (48 Stat. 1246; 12 U.S.C. 1703(a)), as amended, is amended by striking out "or other catastrophe" and inserting in lieu thereof "riot, civil disorder, or other catastrophe".

(b) Section 203(h) of the Act of June 27, 1934 (48 Stat. 1248; 12 U.S.C. 1709(h)), as amended, is amended by inserting, immediately after "storm,", "riot, civil disorder,".

(c) Section 7(b)(1) of the Act of July 18, 1958 (72 Stat. 387; 15 U.S.C. 636(b)(1)), as amended, is amended by striking out "floods or other catastrophies" and inserting in lieu thereof "earthquake, conflagration, tornado, hurricane, cyclone, flood, riot, civil disorder, or other catastrophe".

(d) Section 111 of the Act of July 15, 1949 (42 U.S.C. 1462), as amended, is amended by inserting, immediately after "storm,", "riot, civil disorder,".

(e) Section 2 of the Act of September 20, 1950 (64 Stat. 1109; 41 U.S.C. 1855 (a)), as amended, is amended by inserting, immediately after "storm,", "riot, civil disorder,".

Mr. PROXMIRE. Does the Senator desire more time?

Mr. SCOTT. No.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. COTTON. I should like to ask a question of the distinguished Senator now in charge of the bill. If the answer is not readily obtainable, I wish it could be provided for the RECORD before the end of the consideration of the bill.

It is my understanding that the total authorization in this bill is $5.2 billion, roughly.

Mr. PROXMIRE. That is correct.

Mr. COTTON. I should like to find out what portion of that is renewed authorizations to continue present programs and what part of it is for new programs.

Mr. PROXMIRE. That information, of course, should be in the RECORD as the Senator from New Hampshire says, before we vote on final passage, and it certainly will be.

Mr. COTTON. The actual spending contemplated under this bill in the ensuing year, for new programs, is how much?

Mr. PROXMIRE. For new programs, the actual spending is approximately $14 million. It is relatively very modest. But I am sure the Senator recognizes that this kind of modest beginning does not indicate how much is going to be spent under the authorizations we provide for years in the future.

Mr. COTTON. I understood that very clearly, and I certainly agree with the Senator on that. But does this small amount of spending, actual spending, on new programs for the coming year include the drain of the funds that have just been under discussion in connection with the amendment of the distinguished Senator from Georgia?

Mr. PROXMIRE. No. I see the Senator's point. There is no way this can be estimated. We hope and pray we will have a quiet summer and that there will not be any disaster emergencies that will develop because of riots. However, we have no way to tell.

Mr. COTTON. This is just a fixed expenditure for the coming year?

Mr. PROXMIRE. The Senator is correct.

Mr. COTTON. If it is possible, before the debate is finished, I wish the Senator would have printed in the RECORD, even if it is only approximation, figures with respect to the continuation of the old program and the amount that is contemplated for the new program.

I thank the Senator.

Mr. PROXMIRE. In answer to the question of the Senator from New Hampshire, approximately $650 million of the funds authorized by this bill would be for new programs. The remaining portion of the $5.2 billion authorization would be for existing programs.

Mr. President, I yield to the Senator from West Virginia. Earlier he and I engaged in a brief colloquy in connection with the cost of riots in Washington. When I referred to losses, it was by city and not by business or by homeowner. However, the Senator from West Virginia can clarify this point better than I.

Mr. BYRD of West Virginia. I was engaged in conversation with the Senator from Rhode Island, and I did not understand the question.

I believe the question to which the Senator was addressing himself was the preliminary estimate of damages to buildings. Is that correct?

Mr. PROXMIRE. The Senator from Wisconsin is referring to the kinds of losses which might conceivably be covered by this provision of the bill.

The Senator from Georgia made clear the one part of the bill he wants to knock out is for aid to the cities.

Mr. RUSSELL. I hope I did not make that clear. That was not my intent.

Mr. PROXMIRE. The Senator said, as I understood, that he wants the people to have loans available.

Mr. RUSSELL. They get them under the Small Business Administration. I am not in favor of making loans or any other part of title XI. Of course, if we did we would have more requests in the District of Columbia than there is money available in the disaster fund.

Mr. PROXMIRE. I think we agree. I worded the statement badly. I am referring to the fact that in the event of disaster the SBA would be able to loan money to the homeowners at 3 percent. Does the Senator want to retain that? Under the present law, they would be given the opportunity to do so under the rent supplement.

Mr. RUSSELL. They would under this law.

Mr. PROXMIRE. But the Senator is mainly concerned, as I see it, with the loss to the city from the loss of public facilities and from debris clearance and other riot-connected losses.

Mr. RUSSELL. No, that is not necessarily the case. I want to preserve some of this 3-percent loan money for the victims of natural disasters and not have it all consumed by those who are victims of riots. If we had something like the earthquake that occurred in Alaska or Hurricane Hazel, there would not be $5 left in the natural-disaster fund, whereas in the case of riots there would be adequate funds available in other programs. I am trying to protect the natural disaster fund so it will be available for natural disasters. You still have all these other funds, including loans and urban renewal for victims of riots and civil disorders.

My purpose is to protect the natural-disaster funds. I do not think they should be mixed up with the other funds and piled on top of each other to the detriment of those who suffer from natural disasters.

Mr. PROXMIRE. Is it my understanding that all of the loan money would come from SBA; that it would not come from OEP? The OEP would provide grant money to the cities that have losses due to riots, because they have to rehouse people or clean up the debris or replace damaged public facilities.

Mr. RUSSELL. I understand the Natural Disaster Act provided for loans and grants. The Disaster Act itself provides for loans and they have been made in the case of natural disasters time and time again.

Mr. BYRD of West Virginia subsequently said: Mr. President, earlier today the senior Senator from Wisconsin [Mr. PROXMIRE] asked a question during colloquy with reference to the recent riots which occurred in the District of Columbia. At that time, I was engaged in conversation with the Senator from Rhode Island [Mr. PASTORE], and I did not fully understand the question. I thought the Senator from Wisconsin was inquiring regarding the direct costs to the city of the civil disorder.

As I now understand, the Senator was inquiring about the estimate of damages to buildings in the District of Columbia as a result of the civil disturbances.

The preliminary estimate of damage to buildings was $13.3 million. This was the estimate of damage which occurred from Thursday, April 4, 1968, through noon of April 8, 1968. This estimate pertains only to those buildings which were situated in the areas where damage was most concentrated.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Vermont.

Mr. AIKEN. Is the Senator from Georgia making a distinction between disasters which are unpreventable and uncontrollable and those which could be prevented or could be controlled?

Mr. RUSSELL. The Senator from Vermont has put his finger squarely on the point and on the only objective of this amendment. That is to say, here are these acts that could have been prevented or controlled or modified in some way. You are making all kinds of provisions for them elsewhere, but, please, let us keep $35 million or $40 million available in the fund in the event some terrible natural disaster strikes in this country.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BAYH. The Senator from Georgia is correct about the loans versus grants.

Mr. RUSSELL. I know I am.

Mr. BAYH. The distinction is that OEP deals with public facilities whereas the SBA deals with private loans.

We have to ask the question which the Senator from Vermont hit on and that I have torn with in my mind and fought with. These innocent people are hit by a holocaust caused by a couple of score of lunatics, and the majority of the people living in these areas are law-abiding citizens and they suffer as much as they would from a tornado going down Main Street.

After this matter is completed, regardless of the outcome, I would like to introduce an amendment which would deny the benefits to anyone convicted for a violation of the law.

Mr. RUSSELL. I think that is in the law now, but I want to make doubly sure. I am glad the Senator agrees with me as to the loan provision. I think in the case of the State of Alaska they made some loans.

Mr. BAYH. I wish to make one other point, and then I shall sit down.

If one will look at the record, whenever we have had a natural disaster such as Hurricane Betsy, we had to come in and have a Betsy bill. If it is felt that the amendment is going to accomplish a solvency of the fund, I think that is really an error, because every time there is a riot in Detroit or a Hurricane Betsy, Congress has had to act to restore funds because we act on a day-to-day basis, and so we would have to do so now.

Mr. RUSSELL. There have been allocations made before Congress could make appropriations and there should be money there to take care of that purpose.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BARTLETT. The Senator's concern also concerns me.

We are talking about two different things: natural disasters and manmade disasters. It is true that after the Alaskan hurricane, Congress, in a single day—perhaps for the first time in history—appropriated $15 million for the OEP fund.

When we expected the hurricanes and great floods of last year, the OEP rehabilitated the public facility and the SBA moved in and made these disaster loans which were really instrumental in restoring the business community and the home community.

However, I fear that if we channel a part of that into this new activity, a natural disaster comes along and there may be no money left at all. It is true that the Congress can restore that fund, but it might take awhile.

Mr. RUSSELL. And Congress might not be in session.

Mr. BARTLETT. And Congress might not be in session.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Do I understand that what the Senator from Georgia is endeavoring to do is to make certain there will be in existence year by year what was originally a $35 million fund for natural disasters.

Mr. RUSSELL. That is right. I do not think that the fund we have, and are familiar with, provides that natural disaster assistance should be commingled with all the new movements we are making to provide funds for those who are victimized by riots and civil disorders. There will be plenty of money available for them. We are making it available in several different sections here. But this fund does not have a great amount of money in it. We should

not open it up for a new relief program that is being provided for in several other sections of the bill.

Mr. MANSFIELD. As one who represents a State, at least in part, which has been struck by natural disasters over which it has had no control, I want to assure the Senator from Georgia that his is a good amendment and I support it.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield me 4 minutes?

Mr. RUSSELL. I yield 4 minutes to the Senator from Florida.

The PRESIDING OFFICER. Three minutes remain to the Senator from Georgia. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, there is, of course, a great difference between natural disasters and disasters caused by man. When we try to put them both together in the same bill. I feel that the Senate would be making a grave mistake.

I invite the recollection of Senators to the fact that many Members of the Senate, in the case of the recent riots in Washington, D.C., stood on this floor and criticized very strongly—and, I thought, appropriately—the weak and spineless handling of the situation by the public authorities.

There was hardly a newspaper in my State which did not come out editorializing on the subject and, I suspect in every other State in the Union. I have received many letters on the subject. When I returned to Florida recently and talked to my constituents, there was no part of any conversation with anyone to whom I talked that did not have some comment to make on the riots and the looting in Washington, and commenting on the fact that the soldiers seemed to be guarding the looters and the arsonists. The same thing could be said of the police.

If the Senate wants to be placed in the same situation as that, and have the country criticize us for passing the bill in its present form so that it would put the Federal Government in the position of paying damages occasioned at the time of riots, I fully believe that the Senate could not do anything more hurtful to itself or more hurtful to Senators than to vote for the bill in its present form.

I shall certainly support the amendment of the Senator from Georgia who, rightfully, keeps natural disasters apart from manmade disasters and would keep the Senate from being placed in the same box with the Director of Public Safety in Washington, D.C., and other officials, who have been criticized in this Chamber by dozens of Senators. I hope that the Senate will not place itself in that position.

Mr. MUSKIE. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Mr. President, before I yield, may I suggest the absence of a quorum——

The PRESIDING OFFICER. One minute is left to the Senator from Wisconsin.

Mr. PROXMIRE (continuing). Without time being charged to either side?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without the time being allocated from any direction.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk——

Mr. HOLLAND. Mr. President, an amendment is already pending.

Mr. PROXMIRE. Mr. President, I send an amendment to the amendment to the desk and ask that it be stated.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. In what degree is this amendment to the amendment?

Mr. PROXMIRE. Second degree.

The PRESIDING OFFICER. The pending amendment is an amendment in the first degree. The offering of an additional amendment would not be in order until all time has been yielded back or has expired, except by unanimous consent. Until the 1 minute is yielded back, the amendment would not be in order except by unanimous consent.

Mr. PROXMIRE. Mr. President, let me say that I would be in favor of the Russell amendment and then after that has been adopted I shall send to the desk my amendment and have it considered, after the amendment of the Senator from Georgia is adopted; is that agreeable?

Mr. RUSSELL. That is agreeable with me. However, Mr. President, I want to make my position on this whole matter crystal clear. I am opposed to the entire title XI of S. 3497, the reinsurance plan. Nevertheless, I shall vote "aye" on the amendment to be offered by the Senator from Wisconsin after the pending amendment is accepted. As I understand it, the Senator's amendment will simply retain the eligibility of assistance provided for in the bill except for money coming from the Office of Emergency Planning which will be prohibited by my amendment. On that basis, I shall vote "aye" on the amendment to be offered by the distinguished Senator from Wisconsin, but I also have another amendment which may be offered later to strike title XI entirely.

Mr. PROXMIRE. I favor the Senator's amendment, and I understand the Senator from Georgia favors mine which I will subsequently offer.

The PRESIDING OFFICER. The question is, then, on the amendment offered by the Senator from Georgia [Mr. RUSSELL].

Mr. HOLLAND. Mr. President, the yeas and nays have been ordered on that amendment have they not?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the yeas and nays be withdrawn.

Mr. HOLLAND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President——

Mr. HOLLAND. Mr. President, I object. We want a vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from Georgia.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from Georgia, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. LONG] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

Mr. HICKENLOOPER. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the

Senator from Hawaii [Mr. FONG], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS] and the Senators from California [Mr. KUCHEL and Mr. MURPHY] are necessarily absent.

The Senator from Michigan [Mr. GRIFFIN] is detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Oregon [Mr. HATFIELD], and the Senator from California [Mr. MURPHY] would each vote "yea."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from California would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 57, nays 2, as follows:

[No.164 Leg.]

YEAS—57

Aiken	Hansen	Pearson
Allott	Hayden	Pell
Anderson	Hickenlooper	Percy
Baker	Hill	Prouty
Bartlett	Holland	Proxmire
Bayh	Hruska	Randolph
Boggs	Jackson	Russell
Brewster	Jordan, N.C.	Scott
Brooke	Jordan, Idaho	Smith
Burdick	Magnuson	Sparkman
Byrd, W. Va.	Mansfield	Stennis
Cannon	McIntyre	Symington
Case	Metcalf	Talmadge
Cotton	Miller	Thurmond
Dominick	Monroney	Tower
Ellender	Moss	Williams, Del.
Fulbright	Mundt	Yarborough
Gore	Muskie	Young, N. Dak.
Gruening	Pastore	Young, Ohio

NAYS—2

Hart	Williams, N.J.

NOT VOTING—41

Bennett	Griffin	McClellan
Bible	Harris	McGee
Byrd, Va.	Hartke	McGovern
Carlson	Hatfield	Mondale
Church	Hollings	Montoya
Clark	Inouye	Morse
Cooper	Javits	Morton
Curtis	Kennedy, Mass.	Murphy
Dirksen	Kennedy, N.Y.	Nelson
Dodd	Kuchel	Ribicoff
Eastland	Lausche	Smathers
Ervin	Long, Mo.	Spong
Fannin	Long, La.	Tydings
Fong	McCarthy	

So Mr. RUSSELL'S amendment was agreed to.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask that it be stated, and ask for a rollcall.

Mr. MANSFIELD. Mr. President, before the Senator does that, I ask unanimous consent that there be a time limitation of no more than 5 minutes on the present amendment, the time to be equally divided.

Mr. STENNIS. Mr. President, will the majority leader please restate that request? We could not hear.

Mr. MANSFIELD. Yes; 5 minutes equally divided.

The PRESIDING OFFICER. The Senate will be in order. The amendment will be stated.

The BILL CLERK. The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment as follows:

SEC. 1107(d) is amended to read as follows:

"(d) Section 111 of the Housing Act of 1949 is amended by striking the words 'the Secretary' after 'disaster' and inserting in lieu thereof 'or which the Secretary has determined is in need of such redevelopment or rehabilitation as a result of a riot or civil disorder, he'."

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Who yields time?

Mr. TOWER. Mr. President, it is my understanding that this is the last record vote of the evening; so, in behalf of the minority, I should like to avail myself of the privilege of asking the distinguished majority leader what is in store for the Senate over the next few hours.

Mr. MANSFIELD. Mr. President, it is my understanding, as a result of conversations with interested Senators who have amendments to offer, that the distinguished Senator from West Virginia [Mr. BYRD] will offer an amendment tonight, which will be accepted by the committee. Then the distinguished Senator from Texas will offer an amendment, which will be laid before the Senate and will become the pending business tomorrow.

At this time, Mr. President, as to each remaining amendment, I ask unanimous consent that there be a time limitation of 1 hour, the time to be equally divided between the manager of the bill and the proponent of the amendment, and 4 hours on the bill itself.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, reserving the right to object, does the majority leader's request cover amendments not yet filed?

Mr. MANSFIELD. Yes.

Mr. TOWER. Any amendment.

Mr. MILLER. I have no objection.

Mr. STENNIS. Mr. President, reserving the right to object, this is an awfully large bill. I made a study of it yesterday, and have done what I could here this afternoon. It involves $5 billion, and we do not know yet how much of it is new money and how much is old money.

I am not trying to delay the Senate. I do not know that I have ever objected to a unanimous-consent request to limit time on a major issue. But I think we have some responsibility here, Mr. President. This is a matter on which there have been no hearings. The amendment we considered just a few minutes ago could very well have been a major matter. I ask the majority leader to wait until morning before making such a request.

Mr. MANSFIELD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. PROXMIRE. Mr. President, I shall be very brief. I shall not use all of my 5 minutes.

What this amendment would do, is simply clarify section 1107(d), and clarify what I understand was the intention of the Senator from Georgia.

The amendment would permit victims of riots and disorders to be given priority in relocating in urban renewal areas upon the determination of the Secretary of Housing and Urban Development that there was a substantial need. The amendment would thus render these benefits independent of a Presidentially declared disaster.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HOLLAND. I understood from the discussion awhile ago that there would also be included another proviso, that the recipient of benefits had taken no part in the riot.

Mr. PROXMIRE. Yes; that is the Bayh amendment. The Senator from Indiana intends to offer an amendment to that effect, I understand.

Mr. BAYH. That is correct.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. RUSSELL. I would say that this carries out the purport of my amendment, but the Senator from Wisconsin left the impression that this is what I favor. I am not much in favor of any part of title XI.

Mr. SYMINGTON. Mr. President, as a matter of interest, why is the interest rate established at 3 percent?

Mr. PROXMIRE. This is a policy that was established some time ago. It represents a subsidy. The reason for the subsidy is that these people have been subjected to a disastrous occurrence over which they had no control, and it represents an opportunity for them to replace their homes or their stores.

Mr. SYMINGTON. May I ask the able Senator what the price of money is today?

Mr. PROXMIRE. The price of money for this type of loan, I take it, is probably in excess of 7 percent.

Mr. SYMINGTON. What is the cost to the Government? What is the base rate?

Mr. PROXMIRE. The base rate is between 5 and 6 percent.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. STENNIS. How much is allowed, under this amendment, to be used for these loans? What is the limitation?

Mr. PROXMIRE. The limitation is, of course, up to the Appropriations Committee, as it always has been in the past, to decide whether or not they want to fund the loans. There is no appropriation in the bill.

Mr. STENNIS. This represents, then, an open end appropriation for this type of loan at 3 percent; is that correct?

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. And who in the executive department will make the decisions under this amendment?

Mr. PROXMIRE. The Small Business Administrator.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield.

Mr. MILLER. As I understand it, in disaster relief legislation, there is a distinction between——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MILLER. Will the Senator from Texas yield me 2 minutes?

Mr. TOWER. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. As I understand there is a distinction, in disaster relief, between a major disaster and just a disaster. With reference to authority to issue these low-interest loans, is there any distinction in the amendment with respect to whether it is a major disaster or just a disaster? And if not, would it not be a good idea to change it to conform to this policy?

Mr. PROXMIRE. Mr. President, it does conform. It requires that the same criteria be met as under existing law. Thus, the SBA Director is under no compulsion, now, in the event of a natural disaster, to provide these loans; he has to determine, as the Senator from Iowa has indicated, that it is a significant disaster. The same would be true as to this amendment.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Missouri [Mr. LONG] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. TYDINGS], would each vote yea.

Mr. HICKENLOOPER. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS], and the Senators from California [Mr. KUCHEL and Mr. MURPHY] are necessarily absent.

The Senator from Michigan [Mr. GRIFFIN] is detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. FANNIN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATFIELD], the Senator from New York [Mr. JAVITS], and the Senators from California [Mr. KUCHEL and Mr. MURPHY] would each vote "yea."

The result was announced—yeas 56, nays 2, as follows:

[No. 165 Leg.]

YEAS—56

Aiken	Hansen	Pearson
Allott	Hart	Pell
Anderson	Hayden	Percy
Baker	Hickenlooper	Prouty
Bartlett	Hill	Proxmire
Bayh	Holland	Randolph
Boggs	Hruska	Russell
Brewster	Jackson	Scott
Brooke	Jordan, N.C.	Smith
Burdick	Jordan, Idaho	Sparkman
Byrd, W. Va.	Magnuson	Symington
Cannon	Mansfield	Talmadge
Case	McIntyre	Tower
Cotton	Metcalf	Williams, N.J.
Dominick	Miller	Williams, Del.
Ellender	Monroney	Yarborough
Fulbright	Moss	Young, N. Dak.
Gore	Mundt	Young, Ohio
Gruening	Muskie	

NAYS—2

Stennis	Thurmond

NOT VOTING—42

Bennett	Griffin	McClellan
Bible	Harris	McGee
Byrd, Va.	Hartke	McGovern
Carlson	Hatfield	Mondale
Church	Hollings	Montoya
Clark	Inouye	Morse
Cooper	Javits	Morton
Curtis	Kennedy, Mass.	Murphy
Dirksen	Kennedy, N.Y.	Nelson
Dodd	Kuchel	Pastore
Eastland	Lausche	Ribicoff
Ervin	Long, Mo.	Smathers
Fannin	Long, La.	Spong
Fong	McCarthy	Tydings

So Mr. PROXMIRE's amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 830

Mr. BYRD of West Virginia. Mr. President, I cal' up my amendment No. 830 and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from West Virginia will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 11, line 3, after "organization" insert "or public body or agency".

On page 11, line 14, after "organization" insert "or public body or agency".

On page 15, line 5, after "organization" insert "or public body or agency".

On page 31, line 14, after "organizations" insert "or public bodies or agencies".

On page 31, line 25, after "organizations" insert "or public bodies or agencies".

On page 32, line 19, strike out "the" and insert "any".

On page 55, line 6, after "221" insert ", or by a public body or agency".

On page 59, line 6, after "entity," insert "a public body or agency,".

Mr. BYRD of West Virginia. Mr. President, I modify my amendment by striking out all verbiage beginning with and including line 7 on page 1 and extending through and including line 5 on page 2.

The PRESIDING OFFICER. The amendment is so modified.

Does the Senator ask unanimous consent that his amendments be considered en bloc?

Mr. BYRD of West Virginia. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the amendment I have offered would simply give to local housing authorities the right to purchase, rehabilitate, and sell housing units to low-income families. It is my understanding that local housing authorities do not now have this authority under new section 101 of this bill, nor does the bill propose giving those authorities such authority.

I have discussed this matter with the chairman of the Banking and Currency Committee, and he believes that my amendment will be very helpful in furthering the prospects of homeownership for low-income families.

Under existing law, when the income of families occupying public housing reaches certain levels, they are no longer eligible as public housing tenants and are required to move out. Oftentimes these families' incomes are not sufficient for them to move into housing carrying an economic rent and, in some instances, they are required to either double up with other families or move into slum areas or dilapidated housing.

Under my amendment, the local housing authorities could be further helpful to these families by offering to sell to them rehabilitated units, thus helping them on the step toward homeownership.

If I understand the bill correctly, these families generally would be families who

would be eligible to receive the homeownership interest rate subsidy feature of section 101 of the bill. I should like to ask the chairman of the Banking and Currency Committee if this would be true.

Mr. SPARKMAN. The Senator is correct.

Mr. BYRD of West Virginia. It is my further understanding that the authority that my amendment would give to local housing authorities would be the same authority that nonprofit organizations are given under title I of the bill in respect to sponsoring housing for lower income families. I should also like to ask the chairman of the Banking and Currency Committee if this is a true statement.

Mr. SPARKMAN. The Senator is correct.

I may say that I have discussed this amendment with the Senator from West Virginia, and we collaborated in the changes that were made in the amendment.

I have discussed it with the distinguished Senator from Texas, and he shares with me, I believe, the feeling that it would be a helpful amendment.

Mr. TOWER. I believe it is a very constructive amendment, and for my side, we are prepared to accept it.

Mr. SPARKMAN. We are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from West Virginia.

The amendments were agreed to.

Mr. SPARKMAN. Mr. President, I offer two technical amendments.

The PRESIDING OFFICER. The amendments offered by the Senator from Alabama will be stated.

The bill clerk read the amendments, as follows:

On page 81, line 22, strike out "PROGRAMS" and insert "FLEXIBLE INTEREST RATES FOR CERTAIN FHA INSURANCE PROGRAMS".

On page 156, strike out line 17 and insert "; and".

On page 303, line 12, strike out "interest" and insert "interests".

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. What would the amendments do?

Mr. SPARKMAN. It is purely technical; nothing substantive.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Alabama.

The amendments were agreed to.

Mr. SPARKMAN. Mr. President, I offer another amendment. It is not entirely technical.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The bill clerk read the amendment, as follows:

After line 4, page 3, insert the following:

"SEC. 5. The provision of Public Law 89-426 for special studies of the savings and loan industry is amended by striking '1968' and inserting in lieu thereof '1969'."

Mr. SPARKMAN. Mr. President, this amendment relates to a study that has been authorized by Congress, in which the time set was 1968. This amendment would extend the time for 1 year.

Mr. TOWER. This amendment requires no additional funding?

Mr. SPARKMAN. No.

Mr. MANSFIELD. Mr. President, may I say that I found it quite difficult to analyze the expression on the face of the Senator from Delaware as he listened to this explanation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

AMENDMENT NO. 828

Mr. TOWER. Mr. President, I call up my amendment No. 828.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

On page 156, line 19, strike out "$500,000,000" and insert "$250,000,000".

UNANIMOUS-CONSENT AGREEMENT

Mr. TOWER. Mr. President, I ask unanimous consent that the time for debate on this amendment tomorrow be limited to 1 hour, 30 minutes to be under the control of the distinguished Senator from Alabama and 30 minutes to be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that time be limited to 1 hour on all subsequent amendments that I might offer, 30 minutes to be under the control of the Senator from Alabama and 30 minutes to be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That during the further consideration of the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development, debate on the pending amendment (No. 828) and all other amendments to be offered by the Senator from Texas [Mr. TOWER] shall be limited to 1 hour, to be equally divided and controlled by the Senator from Texas [Mr. TOWER] and the Senator from Alabama [Mr. SPARKMAN].

Mr. McINTYRE. Mr. President, it has long been recognized that decent housing alone will not resolve the crisis of our cities. But it is a giant step along the way. And it is for that reason that I gladly support the Housing and Urban Development Act of 1968.

President Johnson has called this legislation "a charter of renewed hope for the American city." If we can build and rebuild in 10 years enough good housing to replace substantially all of the substandard homes that scar our cities and stunt the development of our people—if we can move ahead with other programs so important to our national life, then we will be able to say of the patient—in this case the American city—that the crisis has passed.

The new measure before us has as its goal 6 million new and rehabilitated dwelling units for low- and moderate-income families within the next decade. It aspires to 300,000 housing starts within the next fiscal year and 2.35 million within the next 5 years.

Reaching these goals will strain our means—both public and private—for production, but should also result in new and better means for achieving our ends. The legislation we are considering contains new and innovative approaches to greater production—the interest subsidy for both homeownership and rental housing, the turnkey method of developing public housing, and most intriguing—the proposed National Housing Partnerships.

During consideration of this legislation before the Banking and Currency Committee, it became obvious that the housing industry in this Nation—though very large—is fantastically fragmented. No single existing entity accounts for more than one-third of 1 percent of the market, and very few firms carry out homebuilding activities on anything approaching a national scale. As a result, none of the savings or expertise of volume production have been accruing to the homebuilding industry.

The proposed National Housing Partnerships would remedy this. A national organization devoted solely to the production of low- and moderate-income housing could recruit top managerial and technical staff—experts in the field of housing production and management—provide needed capital and operate on a nationwide basis, achieving volume production economies.

Mr. President, the National Housing Partnerships idea is the most interesting result of a year-long study undertaken by the President's Commission on Urban Housing, chaired by Edgar F. Kaiser. The Commission was pledged to find new ways to involve private enterprise in constructing low- and moderate-income housing. Their suggestions warrant our close consideration—and may I state here—the Commission has endorsed virtually all of the provisions of this omnibus bill.

Testifying before the Banking and Currency Committee with regard to the partnerships idea, Chairman Kaiser said:

In the course of developing this proposal without asking for a pledge of financial participation, we contacted a broad segment of large industry to determine whether this proposal would receive industrial support. Based upon the response of the chief executives of those firms contacted, we are confident that sufficient funds can be generated.

Mr. President, as provided in title IX of this bill the mechanics of the partnerships are simple. It would create a federally chartered corporation which would serve as the general partner and managing agent of the National Partnership. Each of the stockholders, industrial and financial companies, could be limited partners. The corporation, specifically organized to provide essential management skills in housing development, would be the general partner. It would receive a fee for supplying staff and organizational skills in planning specific local projects.

Each large investor would put not more than 5 percent in the corporation's stock, and the balance in the partnership.

As a limited partner he would not be liable for the debts of the partnership beyond his investment.

The partnership would join with local builders, investors and developers to produce housing. The partnership would generally be limited to 25 percent ownership of any project.

Mr. President, this arrangement virtually assures an adequate return to investors and yet it involves no change in existing tax law. Under the present Internal Revenue code partnership losses, for tax purposes, flow to the individual partners. In the case of new housing units, the annual depreciation of the building costs results in substantial book losses during the first 10 years. The member's share of the depreciation losses, plus cash income from project operations, provides an after-tax return on his investment that would compare favorably with the return realized by most industrial firms on their equity capital.

With this incentive, private investors should be attracted by the opportunity to earn a fair return, while at the same time helping to solve a national problem.

The potential of this plan and its interest for developers is magnificently illustrated by the experience of Matthew J. Domber of New York. Mr. Domber, a developer, recently wrote to several members of the committee expressing his support for the National Housing Partnerships and I ask unanimous consent to have his letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DOMBER & WARD,
ATTORNEYS AT LAW,
New York, N.Y., May 9, 1968.

Re National Housing Partnerships: Title IX, Proposed Housing and Urban Development Act of 1968.

I am writing to urge your support of the proposed National Housing Partnerships provision of the Housing and Urban Development Act of 1968.

Over the past ten years, I have observed from a variety of vantage points the unfolding of various local and national programs designed to meet the housing needs of low income families.

At various times during this period I have served as special development counsel to such major redevelopers as Tishman Realty and Construction Company, as executive vice-president of a leading New York development corporation specializing in middle-income housing, as First Deputy New York City Rent and Rehabilitation Administrator and, at present, as consultant to such organizations as The Metropolitan Detroit Citizens Development Authority, The Ford Foundation, the Committee on Housing of the New York City Council and as a principal in a number of urban development projects in the Metropolitan New York area.

It has become increasingly clear that the housing industry, as presently constituted, is incapable of meeting the challenge of housing low income families. The scale is wrong, the risks and stresses are much higher than compensible within a framework of low rents, the management and social problems are beyond the experience and capabilities of most builders, etc., etc. These constraints and others have been enumerated again and again by most students of housing problems and are now "old hat."

But what can be done about it? How do we break the mold and make a start towards developing new institutions and new ways of organizing the housing market?

When one realizes that between 1961 and 1966 a total of only 48,000 apartments were insured by FHA under Section 221(d)(3) BMIR, the magnitude of the task of meeting the announced goal of constructing six million low income housing units over the next ten years becomes apparent.

It is in this context that I commend the proposed National Housing Partnerships which, in my opinion, represents a constructive beginning to creating a housing instrumentality with the potential of achieving national scope.

The authorization to create a corporation under national auspices which could serve as the general partner in a series of partnerships with local interests participating as limited partners may one day be looked back upon as a milestone in housing legislation. This limited partnership form offers a vehicle for a national-local community link-up that can combine the advantages of large-scale market organization, expertise and sound financing with sensitivity to local need, utilization of local skills and industry and obtaining the maximum benefit from the knowledge of local conditions and requirements found only within the community.

At the same time, by obviously appealing to the investor interested in tax writeoffs without management involvement or responsibility, it has the potential of tapping substantial sources of investment capital. It should also have further appeal to the large corporate entities, as well as to the small, which can look forward to a national housing market as giving them an outlet for mass-produced building products and materials at low unit prices. Union labor should benefit from the potential construction volume which offers a possible road to rationally approaching industrialized construction through a guaranteed annual wage. Local contractors should benefit from being plugged into a system which simplifies their overhead problems and paper work, reduces their risks and permits them to devote their energies and talents to the construction process for which they are best organized. Most of all the conumer benefits, particularly the low income consumer, for whom a standard dwelling at reasonable cost can be provided.

In short, there is appeal to all, provided that the national partnership functions in a manner that is truly responsive to local community needs and provides maximum participation for local interests of all kinds. Its ability to function in this way will be the true test of its ultimate stability.

In Detroit, as a development consultant to the Metropolitan Detroit Citizens Development Authority (really in microcosm a first cousin to a National Housing Partnership), I have seen at first hand the potential that a local, private non-profit corporation can realize when it harnesses for the common objective of providing housing for low income families the combined might of local government, local business and industrial leaders, local labor leaders, local community leaders and local civic and religious leaders. The incorporators of MDCDO were Detroit Mayor Jerome Cavanagh, Walter Reuther, President of the United Auto Workers, and Walker Cisler, Chairman of the Board of the Detroit Edison Company. It numbers among its officers and directors such national and community leaders as Most Reverend John Dearden, Archbishop of Detroit, Raymond Perring, Chairman of the Board of the Detroit Bank & Trust Company, Henry Ford II, Chairman of the Board of the Ford Motor Company, James Roche, President of General Motors Corp., Roy Chapin, Chairman of the Board of American Motors Corp., Virgil Boyd, President of Chrysler Corp., William Day, President of Michigan Bell Telephone Company, Father Malcolm Carron, President of the University of Detroit, Joseph Hudson, President of The J. L. Hudson Company, James Wadsworth, President of NAACP, Max Fisher, Francis Kornegay, Executive Director of the Detroit Urban League, Mrs. Mattie Myers, Ralph Bunche Community Council, and others of similar stature too numerous to list. In brief its composition is virtually a "Who's—Who" of Detroit, representing all major business, labor, civic, religious, community and ethnic groups.

Since beginning operations in August, 1967, with the hiring of its dynamic, young executive director, Edward Robinson, it has raised more than $650,000 to finance its initial efforts, has replanned with the aid of an internationally assembled team of expert consultants an urban renewal area for upper income residents to one designed for low income families along new and innovative lines, has brought this project in less than six months to the point where construction is now ready to begin on the first 300 apartments one year earlier than the City had thought possible, has begun several housing demonstration projects and is studying others, is extending its expertise and financial resources to aid community groups to plan their own neighborhoods, is developing a metropolitan housing strategy aimed at utilizing public and private funds to construct thousands of dwelling units in the Metropolitan Detroit area during the next five years and is preparing a campaign to raise more than six million dollars from the business community and foundations for carrying out its purposes.

These rapid strides have been made possible in less than ten months by the combination of adequate financing and working capital, ability to call upon national expertise and consultants, the prestige, commitment and political and economic impact of the sponsors, and their ability to obtain the attention of government at all levels, the ability to call upon needed resources, skills and inputs from the business community and the ability to borrow top-level industry personnel for specific missions, to name just a few of the more obvious plus factors.

The fact is, that no other group, public or private, and certainly not a private sponsor or even a non-profit sponsor of lesser magnitude, could have moved as expeditiously or accomplished so much in so short a period of time. It is all the more remarkable when you consider that all of this has been done working cooperatively and in partnership with the local community groups affected by each project.

The accomplishments of MDCDA, as dramatic as they are when compared with what is happening in other cities, are relatively minor when viewed in the light of the national potential that the National Housing Partnership could unleash. Just imagine what it could accomplish with a blanket allocation of 500 million dollars in BMIR 1% funds per year, backed by the working capital and staff to put this financing to work in partnership with MDCDA-type non-profit organizations and with local for-profit consortiums of similar prestige in every metropolitan area.

The lesson for every city concerned with problems similar to those of Detroit is obvious. Persons of the caliber of those sponsoring MDCDA exist in every major urban area of this country. All that is needed is an awareness of how organization and unity of purpose can achieve results and an igniting spark to set things in motion.

In my judgment, the proposed National Housing Partnership, properly administered, can provide that spark and can provide the national expertise and stimulis to enlightened local action. It can provide the catalyst to fuse the organization of each metropolitan area into a national housing market giving needed incentive for the long-required updating of our construction industry.

For the reasons stated, I strongly commend for your support the proposed Article IX.

Sincerely,

MATTHEW J. DOMBER.

Mr. McINTYRE. Mr. President, I believe the words of Mr. Domber and the testimony of Mr. Kaiser are eloquent arguments for this plan. I believe, too, that the challenge before us today to do everything possible—to explore every path—in order to build homes for our people is obvious. The proposed legislation before us is the place to start.

Mr. MANSFIELD. Mr. President, no further business will be considered tonight in connection with the pending measure.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. Does that mean that when the Senate convenes at 10 o'clock tomorrow morning, there will be no period for the transaction of routine morning business and that we will go immediately into debate on the bill?

Mr. MANSFIELD. That is correct.

INTEREST ON LOANS AND MORTGAGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1102, S. 3017.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3017) to change the provision with respect to the maximum rate of interest permitted on loans and mortgages insured under title XI of the Merchant Marine Act, 1936.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 1, after "(5)" at the beginning of line 5 strike out "Shall" and insert "shall"; and on page 2, in line 2, after the word "of" strike out "Commerce." and insert "Commerce;"; so as to make the bill read:

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1104(a)(5) of the Merchant Marine Act, 1936, as amended, is amended to read as follows:

"(5) shall secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance and service charges (if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. Mr. President, the purpose of S. 3017, introduced at the request of the Secretary of Commerce, would remove the 6-percent statutory interest ceiling on loans and mortgages insured under title XI of the Merchant Marine Act, 1936, as amended, and give the Secretary of Commerce the authority to approve such interest rates as he determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce.

That is a brief explanation.

Mr. WILLIAMS of Delaware. I shall not object to the bill. I realize it is necessary under the circumstances. However, I point out here again that the reason this bill is necessary is to keep pace with the high-interest policies of this administration. It is a policy under which interest rates already have passed 6 percent, and they are moving into the range of 7 to 8 percent. Unless some action is taken by the administration and Congress to exercise some degree of fiscal restraint there is no limit on where they can go.

I hope the administration and Congress together will be able to take appropriate steps to eliminate the necessity for this ever-increasing interest rate.

Mr. President, it is rather significant that during the last several years of the Eisenhower administration we heard almost daily speeches expressing great concern about the high interest rates, which were then approaching 4 percent. Today, as we get to nearly 7 percent those voices have become strangely silent. Why? Have they no concern over the plight of the borrower?

I would hope that some Senators would join us in expressing as much concern over the 7-percent interest rates as they did when the interest rate was nearly one-half of what it is today. Small businessmen, farmers, and homeowners cannot cope with the interest rates under the Johnson administration.

Mr. MANSFIELD. Mr. President, I am in complete accord with what the Senator from Delaware has said. I hope this warning—and the warning flags are becoming more numerous—is taken cognizance of. It has been by the administration but I hope that the Congress will do so as well, so that in tandem we can face up to this joint responsibility.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1119), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 3017, introduced at the request of the Secretary of Commerce would remove the 6-percent statutory interest ceiling on loans and mortgages insured under title XI of the Merchant Marine Act, 1936, as amended, and give the Secretary of Commerce the authority to approve such interest rates as he determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce.

BACKGROUND AND EXPLANATION OF THE BILL

Under title XI of the Merchant Marine Act, 1936, the Secretary of Commerce is authorized to insure up to $1 billion outstanding of ship mortgages and loans, and such insurance may be for the benefit of holders of bonds and notes (merchant marine bonds) issued under a trust indenture under which the trustee is the mortgagee or lender. The faith of the United States is pledged to the payment of both interest and principal of insured mortgages and loans. In the event of default, the Secretary is required to make cash payments simply upon the assignment to him of the mortgage or loan. These payments are made from the Federal ship mortgage insurance fund, which is a revolving fund consisting of receipts from insurance premiums, other fees, and appropriations made to the fund. If the fund is inadequate to pay claims, the Secretary is authorized to borrow from the Treasury to satisfy claims.

Section 1104(a)(5) of the Merchant Marine Act, 1936, provides that to be eligible for mortgage insurance a ship mortgage must, among other requirements, secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance) at a rate not to exceed 5 percent per annum on the unpaid principal balance or not to exceed 6 percent per annum on such balance if the Secretary of Commerce finds that in certain areas or under special circumstances the mortgage or lending market demands it.

By reference to section 1104(a)(5), section 1104(b)(6) places the same requirement on loans with respect to the maximum interest rate if they are to be eligible for insurance. This refers to loans which are made to finance construction of the ship and which preceded the mortgage which is placed on the ship after the ship is completed.

The bill would amend section 1104(a)(5) to substitute for the 5- and 6-percent maximums a provision that the interest rate shall not exceed a rate determined by the Secretary of Commerce to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce. Under this language, there could be circumstances under which the rate determined by the Secretary to be reasonable would exceed 6 percent.

Since November 1966, the Department has approved interest rates under the terms of the existing law as follows:

Interest rate (percent):	*Date approved*
5.75	Nov. 17, 1966
5.10	Feb. 1, 1967
5.50	Mar. 20, 1967
5.50	Apr. 21, 1967
5.40	May 25, 1967
6.00	June 28, 1967
6.00	Aug. 10, 1967

At the present time there are applications for mortgage and loan insurance totaling $314,075,100 (of which financing of $35,500,000 has already been arranged) for 70 ships and 691 barges which are to be built by private owners with privately generated funds to upgrade and modernize the American merchant marine. Under existing law, since the market requires a rate of interest higher than 6 percent, the Department cannot insure these loans and mortgages and the vessels therefore cannot be built.

CONCLUSION

Enactment of this bill will greatly facilitate the construction of vessels to upgrade the seriously depleted merchant marine. That there is a necessity for revitalizing the fleet seems beyond dispute and enactment of this measure will aid in that effort without additional cost or risk to the Government. The provisions of title XI of the Merchant Marine Act, 1936, as amended, require the Secretary of Commerce to exercise discretion in insuring loans and mortgages and the Secretary is required to determine the economic feasibility and soundness of the project as a prerequisite to insuring the loan or mortgage.

This history of the Federal ship mortgage insurance program testifies to the soundness and wisdom of this program and the necessity for continuing its active use by enactment of this bill. In the 14 years the program has been in operation the Government has acted prudently and wisely in granting insurance, as is indicated by the fact that approximately $4 million a year, before administrative expenses, accrues to the United States from operation of the fund. The witness from the Maritime Administration testified that the change in law sought by this bill would probably result in increased revenues to the Government rather than any additional expense.

COST OF THE LEGISLATION

Enactment of this bill would result in no additional expense to the Government.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

COAST GUARD AUTHORIZATIONS, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 1103, H.R. 15224.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15224) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TOWER. Mr. President, reserving the right to object, it is my understanding that the Senator from Michigan [Mr. GRIFFIN] wanted to be notified before this bill was taken up.

Mr. MANSFIELD. The Senator is correct. I have talked with the Senator from Michigan. He told us to go ahead and it is only on that basis that we are taking it up at this time. It does meet with his approval.

Mr. TOWER. I have no objection.

There being no objections, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1120), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations for the capital requirements of the Coast Guard for ships, planes, shore facilities, aids to navigation, and bridge reconstruction for the fiscal year 1969.

BACKGROUND

The original request contained in the Coast Guard authorization bills (S. 3034 and H.R. 15224) was for $107 million as compared with the request for $107,014,000 of last year. In enacting H.R. 15224 the House of Representatives authorized the appropriation of an additional $29 million for the construction of three high-endurance cutters rather than for just the one such vessel requested. The committee, believing the action of the House of Representatives to be prudent and well founded, concurs in the authorization of funds for three high-endurance cutters and recommends enactment of the measure as passed by the House of Representatives.

The Coast Guard is presently operating 33 high-endurance cutters, and during previous years funds have been made available for the replacement of 10 of these vessels. Of this number, one is in actual operation and two will be available in the near future. Of the remaining 23 vessels, six were built in or about 1936, and five are converted World War II seaplane tenders. All of these vessels are overage. At the present rate of replacement—one per year—the last one will not be replaced for another 20 or so years. In the light of the rigorous service to which these vessels are subjected, maintaining weather stations in the Atlantic and Pacific, and service with the Navy in Vietnam, the rate of replacement appears to be unreasonably slow. Under the circumstances, the committee, while it is conscious of the many demands upon the budget, believes that the addition of two more cutters to the present authorization is fully warranted.

In addition to its other duties, the Coast Guard is required to conform to certain Navy requirements with respect to antisubmarine warfare, ocean station duties, and search and rescue functions in time of emergency. In addition, the high-endurance cutters are required to have certain capabilities with respect to balloon tracking radar and communications equipment to permit coordination with Navy vessels in time of emergency. The fact that these vessels are available for such service permits the Navy to cut down on its own requirements in this field, since these vessels can be deployed on relatively short notice.

The bill provides for construction of an oceanographic cutter to replace an overage buoy tender presently serving in this field. The Coast Guard has been assigned very substantial responsibilities in connection with the oceanographic program of the United States, and it is essential that it have proper equipment to support its activities. The vessel presently in use is not capable of supplying information on certain ice conditions in the far north because its construction is not such as to enable it to approach and remain in the necessary areas of study during certain periods of the year. The new vessel would be ice strengthened and would be specifically designed for the service to which it would be assigned. There can be no question of the fact that the study of oceanoagraphy is rapidly assuming major importance in our Government, and it is essential that those charged with the collection of knowledge have the proper equipment to perform their functions.

The Coast Guard historically has been engaged in the collection of knowledge from the sea and it is peculiarly fitted to assume a major role in this field. However, it cannot perform its functions properly with totally inadequate equipment, and hence, the committee strongly endorses its request for this new vessel.

In this connection, there is also a request for procurement and installation of eight sensor systems and three monitor buoys in the amount of $450,000. The purpose of these systems and buoys is to provide oceanographic and meteorological data in support of the national oceanographic program. Each sensor system will make temperature, salinity, and current observations and record the information. At unmanned stations it is necessary to provide, in addition to the recording devices, a telemetering capability to forward the data to a collecting point. This expenditure can clearly be justified on the ground that it is relatively inexpensive but at the same time a vitally important element in the entire oceanographic program, and the data secured by this means are obtained at substantially less cost than other data-collecting devices such as ships.

A request is made for construction of a coastal buoy tender. This is designed to operate in and about Chesapeake Bay as a replacement for two overage vessels. This vessel, when constructed, will permit the rendering of necessary service to aids to navigation with 35 men as compared with the 56 presently operating on the two vessels in use.

A number of the requests for funds made by Coast Guard are virtually mandatory. In this classification the committee places the construction of a buoy tender, barge depot, and moorings to permit assumption of its statutory responsibility with respect to navigation aids on the lower Mississippi. The area from Baton Rouge, La., to Natchez, Miss., a distance of 118 miles, has been under the control of the Corps of Engineers, which has maintained the navigation aids on a reimbursable basis. This function can no longer be continued by the Corps of Engineers and in consequence it is necessary to provide appropriate facilities for Coast Guard operation.

Some 4 years ago, the Coast Guard acquired Governors Island, N.Y., from the Army and over the years has been maintaining an improvement program at that site to adapt the location for its needs.

The island is located immediately south of Manhattan Island, New York City, and ferry service is required to transport men and materiel from Manhattan. The Army maintained this service with three ferryboats each with about a 30-car capacity. These vessels were taken over by the Coast Guard at the time of its acquisition of the island. The smallest was a steam ferry built in 1929 which is reaching the end of its useful life. It was testified that a surplus ferry can be obtained from the city of New York for $150,000 which would be substantially less than the cost of repairing and rebuilding the existing ferry. In addition, the new vessel will permit the elimination of one crewmember, and the committee recommends approval of this item.

Other work planned for the New York base at Governors Island is the construction of a sewage system to connect with the municipal system. At the present time, sewage is dumped in the New York Harbor and this condition must be corrected. This proposal would result in a system meeting Federal standards and will eliminate the pollution condition by pumping the sewage underwater to the municipal system.

Chiefly by reason of the failure of a vessel replacement program to keep pace with Coast Guard needs, a continuing program of upgrading existing vessels must be maintained. These include modernization of five buoy tenders presently engaged in servicing floating aids to navigation and icebreaking. Because increased duties require increased manning, it is proposed to enlarge berthing areas on two coastal tenders, install high-capacity generators on five tenders, and air-condition living spaces on six tenders.

Along the same lines, similar improvements are scheduled on three of the eight icebreakers operated by the Coast Guard, by way of rearrangement of working areas, improving berthing areas, sanitary facilities, and ventilation. Installation of secure communications on one icebreaker will facilitate

communication with the Navy, as required. These vessels are, with one exception, overage now and will be required to operate for some 10 more years under the present program. The ships were designed to accommodate 111 men and over 170 men are now quartered in these same spaces. No major changes have been made in arrangments of working and storage spaces since the vessels were designed in 1940. These vessels are the last of the fleet to receive these improvements, and in view of the necessity for keeping the vessels in operation for a long period of time, there can be no question of the necessity of this expenditure. In the same situation are six high-endurance cutters built in 1936. Accommodations considered adequate in those days are much lower than desirable under present conditions, and the expenditure of a million dollars appears to be completely justified to increase space allowance per man and generally improve living conditions for the crews.

Over the years balloon tracking radar equipment has been installed on a number of these vessels to meet requirements of the Department of Defense and the International Civil Aviation Organization. Installation of this equipment eliminates the only recreation area on this particular group of cutters and necessitates rearrangement of space to find substitute areas.

Request for replacement of aircraft for the coming fiscal year is limited to procurement of nine medium-range recovery aircraft at a total cost of $14,636,000. These nine will replace nine aircraft which are presently overage. As a matter of fact, 41 of the type of aircraft to be replaced will be overage during the coming year. The committee hopes that the necessary request will be forthcoming from the Coast Guard for fiscal 1970 for the replacement of the remaining 32 of these aircraft.

A very considerable number of shore facilities are over 50 years of age and their replacement is imperative both in the interests of safety and efficiency. It is the committee's view that this program has been moving at too slow a pace, but in view of present fiscal consideration, there is little opportunity to speed it up at the moment. The improvements and replacements are to be made at a number of stations around the country and consist of construction of family quarters and operational buildings, as well as improvements to piers and moorings.

The small stations to be funded during the current year include the Siuslaw River Station at Florence, Oreg.; the station at Hobucken, N.C.; Juneau, Alaska; Port Allerton Station at Hull, Mass.; Grays Harbor, Westport, Wash.; Port Aransas, Tex.; Cape San Blas loran station, Gulf County, Fla.; and Bayfield, Wis.; the establishment of a station at Cape Charles City, Va., and construction of a new station at Annapolis, Md. As a part of a major plan a station is to be established in New Haven, Conn., Fort Totten, N.Y., and Eaton's Neck Station is to be modernized to serve the needs of western Long Island Sound.

In addition, the Coast Guard base at San Juan, P.R., requires extensive renewal, and the contemplated work includes replacement of existing bulkhead, dredging, paving, and the construction of a barracks, galley, and messhall basically to serve the needs for the air station personnel.

The same situation with respect to the need for the replacement of dock facilities and piers exists at the Coast Guard base in Honolulu, Hawaii, and requires construction of a new dock and mooring facilities. In many of these cases, the construction of new facilities, in fact, represents a substantial saving by reason of the fact that the existing installations are requiring increasing maintenance merely to prevent their total collapse. Among the larger items required for continued proper functioning of the Coast Guard are the construction of buildings at the Coast Guard air station at Mobile, Ala. This station was commissioned in December 1966 by utilizing a previously decommissioned Air Force facility. Since the closing of the Bermuda station and the training station at Savannah, Ga., the plan is to base and train helicopter crews for icebreakers and other functions at the Mobile site. It has become necessary to construct barracks and various other facilities to accommodate the additional men. It is proposed to increase the personnel from the present total of 188 to 354 as required by the expanded functions to be administered at that base.

It is proposed to construct a new major base at Portsmouth, Va., to replace and consolidate existing facilities. The piers presently in use for mooring large cutters are in very poor condition and will be inadequate for the new and larger cutters presently being placed in operation. In addition, the barracks are substandard and do not justify rehabilitation. While the present bill does not provide for replacement of these barracks, as the various facilities in the area are consolidated, it will be necessary in the near future to construct an industrial base, supply depot station, and family housing area as well. The effect of this development will be to consolidate various scattered facilities in the Portsmouth area.

A similar development is being undertaken at the base at Yerba Buena Island in California. It is proposed to combine units presently located in San Francisco and the surrounding area, and to this end it is proposed to construct piers, barracks, and industrial facilities. This particular development will facilitate the efficient handling of search and rescue cases and will permit the use of larger vessels.

The request for construction of a sewage disposal facility at Galveston, Tex, will eliminate the flow of raw sewage into Galveston Harbor and will meet Federal standards. The total cost of the plant will be $100,000 and in view of the gains to be achieved it is extremely desirable.

A further development of the Portsmouth Harbor Station at New Castle, N.H., will entail dredging the construction of a pier and small buildings. At present, two medium-endurance cutters are based there and construction of a new pier is necessary to permit mooring of the two vessels without the prospect of damage because of inadequate facilities.

The major repair facilities maintained by the Coast Guard is the yard at Curtis Bay, Md. Since 1964, a program has continued to replace and consolidate facilities of that yard to permit greater efficiency. The present program calls for modification of certain buildings and consolidation of metalshop, paintshop, and relocation of machinery. It is expected that additional improvements will be made over the coming years which will serve to provide better service to the fleet and, hopefully, savings to justify the improvements.

In the course of its operations, the Coast Guard maintains more than 45,000 aids to navigation. In order to maintain their high standards of efficiency, maintenance standards must be adequate and from time to time replacements of damaged or obsolete aids must be made. In addition, changed conditions and shipping requirements in certain areas demand relocation of these facilities. At the same time, rivers and harbors improvement projects by the Corps of Engineers demand installation of new facilities. By reason of the fact that these conditions are changing daily it is impossible to pinpoint the actual locations improvements will be made.

At the committee hearing, the Coast Guard listed a number of such projects that are high on its priority list. It may well be that some or all of these will be deferred to future years because of higher priority of items which will develop during the coming fiscal year. In connection with the program, there is a continuity practice of replacement of manned light stations. Where feasible, the Coast Guard proposes to continue its program to convert manned stations to automatic stations and it is anticipated that this program will materially reduce the number of men required at the selected stations. Again, by reason of changing conditions, it is impossible to give assurance that the station named by the Coast Guard will be improved during the coming fiscal year. As part of the program, it is proposed to replace three existing lightships with either large navigational buoys or a combination of floating and shore aids. At present, 18 lightships are operating, of which six are over 40 years old and which should be replaced. It is proposed to replace three of these during the current year. While this program is lagging, it should be pointed out that since 1961 10 lightships have been replaced and the current authorization provides for an additional three.

In the field of personnel training, Coast Guard maintains facilities at its Reserve training center in Yorktown, Va., at the training center in Alameda, Calif., and at Cape May, N.J. Many of the buildings at these locations date to World War II and have reached the end of their useful lives. Continued use of these buildings necessitate a large amount of maintenance and the increasing demand of the service for more men to meet its needs requires expansion of some of the facilities. In general, the programs are continuing ones, with the replacement of the most deteriorated buildings being scheduled for the earliest dates. It is proposed to construct an enlisted men's galley and mess building at the training center in Yorktown, Va., and to construct and outfit an advanced enginemen's school at that point. This latter would provide training for officer candidates and limited advanced specialized training for Coast Guard officers. The increasingly sophisticated equipment with which the Coast Guard is working requires greater training for its personnel, and the establishment of this school will provide the necessary trained men for the newer vessels being placed in service.

The two centers maintained at Cape May, N.J., and at Alameda, Calif., are designed to provide facilities for the indoctrination of recruits. At Cape May, the present gymnasium and swimming pool are in extremely poor condition. This has necessitated permanent evacuation of these units. By fiscal year 1969, there will be a requirement for 1,500 recruits and appropriate facilities must be provided for their training. Since 1962, an administration building, three barracks, and a powerplant have been constructed and this present program will continue the updating of the facility. It is proposed to construct a medical-dental building to replace the present administration-infirmary building. A new administration building has been funded and construction of this medical-dental building appears to be amply justified in the light of the development program being undertaken there.

Virtually the same situation exists at Alameda, Calif., which is the west coast training center. The remaining barracks are World War II buildings of frame construction and their further maintenance is unjustified. It is proposed to replace them with a 500-man building of reinforced concrete which will be not only safer but far more economical than the existing buildings.

As a part of the continued replacement and expansion of Coast Guard facilities, a program of site survey and design must be provided. That proposed for 1969 is slightly over twice the figure for the current year and includes acquisition of sites at Houston,

Tex., the Coast Guard Academy at New London, Conn., and other locations. This work is necessary to provide a basis for planning of future construction at those sites, and the increase is justified by reason of the inclusion of site acquisition in the total.

Last year, for the first time, the Coast Guard acquired responsibility from the Corps of Engineers under the Truman-Hobbs Act for alternation of bridges over navigable waters. Under the law, the Secretary of Transportation makes a determination with respect to those bridges that are obstructive to free navigation and these obstacles are removed on a cost-sharing basis by the Government and bridge owner. The present projects include replacement of the Berwick Bay Bridge, Morgan City, La., and the Calumet River bridges at Chicago, Ill. It is estimated that the total cost of these two projects will run in the neighborhood of $28 million, of which $5,800,000 is provided in this bill.

One of the major deficiencies in the Coast Guard is in the area of providing sufficient and suitable public family quarters. The percentage of Coast Guard personnel in Government housing is far below that of the other armed services and has a detrimental effect on reenlistments because of the morale factor. The provision for funds in this bill is in the amount of $8 million for this purpose.

The committee reiterates the fact that the Coast Guard has been far too conservative in its program on replacement of its high-endurance cutters and that the addition of two of these units is more than justified by the physical condition of its fleet and the increasing demands for its service.

The committee is of the view that this bill represents the minimum needs of the Coast Guard and urges its enactment.

COST OF LEGISLATION

The total cost of the legislation is $136 million.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15224) was ordered to a third reading, was read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1122, and that the remainder of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLATHEAD RESERVATION, MONT.

The Senate proceeded to consider the bill (S. 2701) to provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, Mont., which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, at the beginning of line 3 strike out:

That the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, may dispose of or acquire tribal lands within the exterior boundaries of the reservation in trust on the conditions hereinafter set forth, which transactions may be accomplished by any combination of cash, terms, or exchange with or without the giving or receipt of boot.

Sec. 2. Said Confederated Tribes may dispose of lands beneficially owned by them and held by the United States in trust only as to the following lands:

And, in lieu thereof, insert:

That upon request of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, acting through their governing body, the Secretary of the Interior is authorized to dispose of the following described tribal lands within the exterior boundaries of the reservation by sale at not less than fair market value or by exchange: *Provided,* That the values of any lands so exchanged either shall be approximately equal in fair market value, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require:

On page 5, after line 13, strike out:

SEC. 3. Said Confederated Tribes may acquire Indian or non-Indian-owned lands in trust to hold for tribal use or for alienation to tribal members in trust. The authority herein contained is in addition to existing authority to acquire tribal lands.

SEC. 4. Any transfer of lands hereunder shall be subject to the prior approval of the Secretary of the Interior or his authorized representative.

And, in lieu thereof, insert:

SEC. 2. Upon request of the Confederated Salish and Kootenai Tribes, the Secretary of the Interior is authorized to acquire Indian or non-Indian-owned lands within the reservation boundaries for such tribes, and such lands may be held for tribal use or for sale to tribal members. Title to lands acquired pursuant to this authority shall be taken in the name of the United States in trust for the tribes or individual for whom the land is acquired.

So as to make the bill read:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon request of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, acting through their governing body, the Secretary of the Interior is authorized to dispose of the following described tribal lands within the exterior boundaries of the reservation by sale at not less than fair market value or by exchange: *Provided,* That the values of any lands so exchanged either shall be approximately equal in fair market value, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require:

Township 17 north, range 20 west, M.P.M.,
section 6 lots 2, 3, 4, containing 118.53 acres.

Township 18 north, range 21 west, M.P.M.,
section 20 north half north half northwest quarter southeast quarter, containing 10.00 acres.

Township 19 north, range 21 west, M.P.M.,
section 26 south half northeast quarter, containing 80.00 acres.

Township 20 north, range 21 west, M.P.M.,
section 1 northeast quarter southwest quarter, containing 40.00 acres.

Township 22 north, range 22 west, M.P.M.,
section 3 north half southeast quarter, containing 80.00 acres.

Township 19 north, range 23 west, M.P.M.,
section 5 northeast quarter southwest quarter, containing 40.00 acres;
section 35 south half northeast quarter, southeast quarter northwest quarter, northeast quarter southeast quarter, containing 160.00 acres.

Township 20 north, range 23 west, M.P.M.,
section 15 northeast quarter, southeast quarter northwest quarter, containing 200.00 acres;
section 17 west half southwest quarter, containing 80.00 acres;
section 18 southeast quarter northeast quarter, east half southeast quarter, containing 120.00 acres;
section 29 northwest quarter southwest quarter, containing 40.00 acres;
section 30 northeast quarter southeast quarter, containing 40.00 acres;
section 29 west half southwest quarter southwest quarter southwest quarter, containing 5.00 acres;
section 32 northwest quarter northwest quarter northwest quarter northwest quarter, containing 2.50 acres.

Township 22 north, range 23 west, M.P.M.,
section 9 southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter, west half southeast quarter, containing 240.00 acres.

Township 23 north, range 23 west, M.P.M.,
section 3 southwest quarter northeast quarter, containing 40.00 acres;
section 5 west half southeast quarter northwest quarter, southwest quarter northwest quarter, containing 60.00 acres;
section 17 southeast quarter southeast quarter, containing 40.00 acres;
section 19 lots 2 and 4, southeast quarter northwest quarter, containing 103.21 acres.

Township 24 north, range 23 west, M.P.M.,
section 19 southwest quarter northeast quarter, northeast quarter southwest quarter, east half southeast quarter, containing 160.00 acres;
section 20 southwest quarter southwest quarter, containing 40.00 acres;
section 30 northeast quarter northeast quarter, containing 40.00 acres.

Township 23 north, range 24 west, M.P.M.,
section 1 northeast quarter southwest quarter, containing 40.00 acres;
section 3 northwest quarter southeast quarter, containing 40.00 acres;
section 24 northeast quarter southeast quarter northeast quarter, south half southeast quarter northeast quarter, southeast quarter southeast quarter southeast quarter, containing 40.00 acres.

Township 24 north, range 24 west, M.P.M.,
section 1 lot 2, containing 26.10 acres;
section 35 northwest quarter northeast quarter, containing 40.00 acres.

SEC. 2. Upon request of the Confederated Salish and Kootenai Tribes, the Secretary of the Interior is authorized to acquire Indian or non-Indian-owned lands within the reservation boundaries for such tribes, and such lands may be held for tribal use or for sale to tribal members. Title to lands acquired pursuant to this authority shall be taken in the name of the United States in trust for the tribes or individual for whom the land is acquired.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1143), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 6701, introduced by Senators Mansfield and Metcalf, is to authorize the disposal of certain isolated tracts of land on the reservation presently owned by the Salish and Kootenai Tribes of the Flathead Reservation, and to authorize the Tribes to acquire Indian- or non-Indian-owned lands to be held in trust for tribal use or conveyance to tribal members in trust. Any transfer of lands under the bill would be subject to the prior approval of the Secretary of the Interior.

NEED

The Flathead Reservation was set aside by the treaty of July 16, 1855 (12 Stat. 975). The entire reservation, comprising 1,243,969 acres, is within the watershed of the Flathead River. Allotments were made in the early 1900's and the reservation lands surplus-to-needs for allotment purposes were opened to homestead entry in 1910. Allotted lands, for the most part, were located on slopes, in the foothills, and in the mountains. Except for these scattered tracts throughout the reservation, practically all of the remaining tribal lands are in high and rough mountains that form the borders of the reservation on all sides except in the northwest corner. None of the isolated tracts amounting to 2,000 acres are within the Flathead irrigation project.

The tribes plan to sell or exchange these specific tracts and reinvest the proceeds in their land-acquisition program. Although the Indian Reorganization Act of June 18, 1934, contains ample authority for the Secretary to acquire lands for the use and benefit of the tribes, the authority contained in the bill is necessary if the tribes are to be permitted to sell the scattered tracts presently owned by the tribes, or to resell any of the acquired lands to individual members.

More than 30 years ago the Salish and Kootenai Tribes recognized the need of a land-acquisition program to consolidate Indian landholdings. Over the years the tribes have acquired 149,471 acres of land for tribal use at a cost of approximately $1,759,000, thereby increasing the total tribal acreage to 558,389 acres. In addition, 60,293 acres are held in trust for tribal members.

The general purpose of the land-acquisition program has been to obtain through purchase and exchange grazing and timbered lands on the reservation that are needed by the tribes and its members to facilitate the operation of family-sized range and farm units, to provide better management for range and timbered lands, to reduce the acreage held in multiple ownership, to provide the tribes with ingress and egress to their lands, to provide sources of water for surrounding tribal range lands, and to help improve the economy of tribal members. S. 2701 is simply one more step in the furtherance of this program.

AMENDMENTS

The committee has adopted two amendments suggested by the Department of the Interior. The first amendment would authorize the Secretary of the Interior to dispose of the land upon the request of the tribal governing body at not less than the fair market value. The second amendment deletes present sections 3 and 4 of the bill and adds a new section 2. This new section authorizes the Secretary of the Interior, upon request of the tribes, to acquire Indian- or non-Indian-owned lands, and such lands may be held for tribal use or sold to tribal members. Title to the lands would be taken by the United States in trust for the tribes or individuals for whom the lands are acquired.

COST

The enactment of the bill will involve no Federal cost.

NORTHERN CHEYENNE INDIAN RESERVATION

The Senate proceeded to consider the bill (H.R. 5704) to grant minerals, including oil, gas, and other natural deposits on certain lands in the Northern Cheyenne Indian Reservation to certain Indians which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, after line 8, strike out:

SEC. 2. Any allottee on the Northern Cheyenne Indian Reservation, or any heir or devisee of an allottee, or the Northern Cheyenne Tribe, may commence in the United States District Court for the District of Montana an action against the United States to determine whether the provisions of section 3 of the Act of June 3, 1926, as amended, which provided that at the end of fifty years the minerals in allotted land shall become the property of the allottees or their heirs or devisees, gave the allottees a constitutionally protected interest. The court shall have jurisdiction to hear and determine the action, and an appeal from its judgment may be taken as provided by law. If the court determines that the allottee has a right that may not be taken without just compensation, the first section of this Act shall cease to have any force or effect, and the provisions of section 3 of the Act of June 3, 1926, as amended by the Acts of July 24, 1947, and September 21, 1961, shall thereupon be carried out as fully as if section 3 had not been amended by this Act.

Any action pursuant to this section shall be commenced within two years from the date of this Act, and no court shall have jurisdiction to hear and determine an action for such purpose commenced thereafter.

And, in lieu thereof, insert:

SEC. 2. The Northern Cheyenne Tribe is authorized to commence in the United States District Court for the District of Montana an action against the allottees who received allotments pursuant to the Act of June 3, 1926, as amended, their heirs or devisees, either individually or as a class, to determine whether under the provisions of the Act of June 3, 1926, as amended, the allottees, their heirs or devisees, have received a vested property right in the minerals which is protected by the fifth amendment. The United States District Court for the District of Montana shall have jurisdiction to hear and determine the action and an appeal from its judgment may be taken as provided by law. If the court determines that the allottees, their heirs or devisees, have a vested interest in the minerals which is protected by the fifth amendment, or if the tribe does not commence an action as here authorized within two years from the date of this Act, the first section of this Act shall cease to have any force or effect, and the provisions of section 3 of the Act of June 3, 1926, as amended by the Acts of July 24, 1947, and September 21, 1961, shall thereupon be carried out as fully as if section 3 had not been amended by this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I wish to say for the record that the Northern Cheyennes and the Sioux Indians were responsible for the defeat of General Custer at the Battle of Little Big Horn 92 years ago this month.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1145), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 5704, as amended and passed by the House of Representatives, is to provide for a reservation in perpetuity, for the benefit of the Northern Cheyenne Indian Tribe, of the minerals on or underlying the allotted lands on the Northern Cheyenne Indian Reservation. The committee also considered a similar bill (S. 1120) introduced by Senators Metcalf and Mansfield.

NEED

The Northern Cheyenne Allotment Act of June 3, 1926, provided that all minerals in the allotted lands on the reservation were reserved to the tribe for a period of 50 years. The act provided that at the end of the 50 years the minerals will become the property of the allottees or their heirs. The 50-year period will expire on June 3, 1976.

The mineral resources of the reservation have not been extensively developed. The only significant income has been from oil and gas bonuses and rentals ($520,260) and a bonus from the sale of two coal expiration permits ($11,390). There has been no production under any of them.

If the mineral resources are reserved to the tribe in perpetuity, the income can be used for the benefit of all tribal members. If the minerals are allowed to become the property of the individual allottees, some persons will benefit greatly, and others will not benefit at all, depending upon where the minerals happen to be found. The tribe, speaking through its general council, and the Department of the Interior, believe that it would be in the best interest of the Indians to keep the minerals in the ownership of the tribe for the benefit of all members. No opposition to the bill has been expressed.

As amended and passed by the House, H.R. 5704 would reserve the minerals for the benefit of the tribe in perpetuity, rather than for an additional 42 years as provided in the original bill. This provision was recommended by the Department of the Interior because a reservation for the original 50 years plus an additional 42 years, a total of 92 years, at the end of which time the minerals become the property of the heirs of the original allottees, would create an extremely difficult and costly requirement for determining the heirs. Inasmuch as the purpose of the bill is to retain the title in the tribe until the minerals have been substantially extracted, it would be unreasonable to go through the heirship procedure. The provision makes this bill consistent with a similar bill recently passed by the Congress with respect to the Crow Tribe (S. 1119).

Another provision of the House bill (sec. 2) is intended to safeguard the United States against a possible claim for damages. It is not entirely clear from the terms of the 1926 Allotment Act whether the allottees have a present property right in the minerals, effective at the end of 50 years, which may not be taken without the payment of just compensation, or whether they have only an expectancy, which is not a compensable interest.

COMMITTEE AMENDMENT

The Bureau of the Budget has recommended that in lieu of section 2 of H.R. 5704, as passed by the House, there be inserted in the bill language which would authorize the Northern Cheyenne Tribe to commence an action in the U.S. District Court for the District of Montana against the allottees who received allotments, or their heirs, pursuant to the 1926 act, as amended. If the court determines that the allottees have a vested interest in the minerals which is protected by the fifth amendment, or if the tribe does not commence an action within 2 years from the date of this act, the first section of the act will cease to have any force or effect, and the provisions of section 3 of the 1926 act, as amended, would be carried out as if that section had not been amended by H.R. 5704. The committee believes that there is no need for the United States to be a party to such an action and that the onus should be on the tribe to initiate litigation to resolve possible conflicting claims to the minerals.

COST

The enactment of the bill will involve no Federal cost.

UTE MOUNTAIN TRIBE

The bill (H.R. 14922) to amend Public Law 90–60 with respect to judgment funds of the Ute Mountain Tribe was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1144), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 14922 is to permit the Ute Mountain Tribe to use its portion of an Indian Claims Commission judgment in favor of the Confederated Bands of Ute Indians. The Ute Mountain Tribe's portion of the judgment is $1,441,002.24.

NEED

The judgment was divided between the three Ute groups entitled thereto pursuant to the act of August 1, 1960, Public Law 90–60. The other two groups were the Ute Indian Tribe of the Uintah and Ouray Reservation, and the Southern Ute Tribe. These two groups were authorized by that act to use their portions of the judgment on the basis of plans that had been prepared and approved by the Secretary of the Interior, and reviewed by this committee.

Public Law 90–60 did not authorize the Ute Mountain Tribe to use its portion of the judgment because at that time no plan for its use had been prepared.

The Ute Mountain Tribe's plan has since been prepared, and is summarized in the report of the Department of the Interior. Use of the money as proposed should contribute substantially to the continued social and economic improvement of the tribe.

COST

No expenditure of Federal funds is involved.

LOWER BRULE SIOUX RESERVATION AND CROW CREEK SIOUX RESERVATION

The Senate proceeded to consider the bill (S. 203) to amend section 13(b) of the acts of October 3, 1962, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, line 8, after the word "amended" strike out "to permit the institution of suit by individual Indians rejecting payment within one year from the date of this amendment.", and insert "by striking out the words 'within one year after the date of rejection.', and by inserting ', or by the United States to determine just compensation, on or before September 1, 1969.' "; so as to make the bill read:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(b) of the Act of October 3, 1962 (76 Stat. 698), entitled "An Act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes", and section 13(b) of the Act of October 3, 1962 (76 Stat. 704), entitled "An Act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes", are hereby amended by striking out the words "within one year after the date of rejection.", and by inserting ", or by the United States to determine just compensation, on or before September 1, 1969."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1146), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 203, introduced by Senators Mundt and McGovern, is to amend section 3(b) of Public Law 87–734 and Public Law 87–735 to extend the time in which an individual Indian who was not willing to accept the amount offered for his property to obtain a judicial determination of just compensation.

These two acts provided for the legislative taking of certain lands of the Crow Creek and Lower Brule Indian Reservations needed for the Big Bend Dam and Reservoir. Compensation for the land was on the basis of a negotiated payment specified in the bills. The negotiated amount was binding on the tribes, but under the provisions of sections 13(b) of each act individual Indians who were not willing to accept the amounts offered were given the right to obtain a judicial determination of just compensation. Sections 13(b) further stipulated that any such action by individual Indians would have to be commenced within 1 year after the enactment of the bills. It was therefore mandatory that these actions be commenced no later than October 3, 1963.

NEED

At present there are 20 Indian landowners on the Crow Creek Reservation and nine Indian landowners on the Lower Brule Reservation who rejected the proffered payments but who failed to start a judicial action within the time limitation. The amounts tendered and rejected by these individual Indians were placed in individual Indian money accounts. Indians involved were permitted to withdraw up to 90 percent of the payments tendered and the balance of 10 percent was required to be withheld from disbursement pending a final judicial determination. The Committee understands that the Indians have withdrawn the 90 percent allowable in each instance, thus only a small amount remains in the IIM accounts which cannot be disbursed.

The Department has been unable to ascertain all of the specific reasons why judicial proceedings were not commenced by the individual Indians within the time limitation.

It was the responsibility of the individual Indian landowners who rejected the offer to obtain legal counsel to bring a suit within 1 year after the rejection of the offer. However, since some of the amounts were not very large there was an attempt to consolidate the individual claims into a few such actions so one attorney could represent all of the individual landowners and most individuals were under the impression that the matter was being handled by the tribal attorney who was representing the respective tribes at the time of the rejections. Due to the confusion and lack of understanding of the laws, it appears that 1 year was an insufficient period of time to consolidate claims and file a suit.

AMENDMENT

The Department of Justice has recommended an amendment to provide that if individual Indians do not file suit within the time limit provided in the bill, then the Justice Department will do so.

The committee adopted this recommendation and has further amended the bill to include language that makes a specific change in the two acts of the 87th Congress to permit the filing of a suit on the part of the Indians to a date not beyond September 1, 1969.

COST

Enactment of S. 203 will involve no substantial Federal cost.

LOWER BRULE AND CROW CREEK INDIAN RESERVATION

The joint resolution (S.J. Res. 157) to supplement Public Law 87–734 and Public Law 87–735 which took title to certain lands in the Lower Brule and Crow Creek Indian Reservation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 157

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay to the persons who owned unrestricted interests in the lands taken by the enactment of Public Law 87–734 and Public Law 87–735, or to their heirs, unless they previously have been compensated, from the funds appropriated pursuant to such public laws, the amounts apportioned by the Secretary to their respective interests. Payment shall be made only on the basis of a claim filed with the Secretary within one year from the date of this Act. The Secretary shall take such action as he deems feasible to notify the persons who he believes are entitled to file claims, but the failure to receive such notice shall not affect the provisions of this Act. Any sum not timely claimed and paid shall be credited to the account of the tribe occupying the reservation where the land is located, and no further claim with respect thereto shall be recognized by the United States. Acceptance of a payment pursuant to this Act shall be deemed to be a release of any further claim by such person against the United States based on such taking, unless the person accepting payment notifies the Secretary in writing at the time of payment that he regards the payment as less than just compensation, and that he intends to commence a judicial proceeding under other provisions of law to recover additional compensation. No such judicial proceeding shall be entertained by any court unless it is commenced within three months after tender of payment by the Secretary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 139), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of Senate Joint Resolution 157, introduced by Senator McGovern as a result of an executive communication from the Department of the Interior, is to supplement Public Law 87–734 and Public Law 87–735 which took certain Indian land for Big Bend Dam and Reservoir project.

NEED

Section 1(a)(1) of both acts of October 3, 1962 (76 Stat. 698) and (76 Stat. 704), provide that the sums of $825,000 for the taking of the Lower Brule Sioux Reservation lands and $355,000 for taking of lands of the Crow Creek Sioux Reservation be disbursed in accordance with the provisions of section 2 of each act. Section 2(b) of both acts provide the amount paid pursuant to section 1(a)(1) of these acts shall be allocated in accordance with Indian ownership schedules prepared by the Secretary of the Interior, after consultation with the Lower Brule Tribal Council and the Crow Creek Tribal Council, respectively, to correct known errors and to insure fair and equitable allocation. Section 2(b) of each act provides that these schedules shall reflect the amounts agreed upon by the Secretary of the Army and the Secretary of the Interior as the basis for negotiation, after appropriate acreage adjustments, increased by a uniform percentage to equal the amounts paid. The schedules prepared in accordance with the provisions of these acts included some nontrust or unrestricted interests owned by non-Indians, Canadian Indians, Indians of terminated tribes and other Indians.

This resolution would supplement both of the aforementioned acts in order to provide a means whereby payment may be made to those individuals who, due to the language contained in the acts, have not been paid for the taking of their lands.

As of January 2, 1968, there was a balance of $8,128.34 in an IIM (individual Indian money) account which is available to cover the payment to those individuals for the taking of fee lands on the Crow Creek Sioux Reservation. There was also a balance of $1,185.32 as of January 2, 1968, in an IIM account which is available to cover the payment to those individuals for the taking of fee lands on the Lower Brule Reservation.

Enactment of the proposed joint resolution will permit the Secretary of the Interior to use these funds to pay the persons, or their heirs, for their unrestricted interests in lands included in the schedules prepared and taken by the enactment of the acts of October 3, 1962, unless they previously have been compensated. The joint resolution also contains provisions regarding filing of claims, credit of balances of moneys not claimed to the tribes occupying the reservation where the land is located, release of further claims, and the entertainment of any judical proceeding pursuant to the provisions of the resolution.

COST

Enactment of this resolution will involve no substantial Federal cost.

GIFTS FOR THE BENEFIT OF INDIANS

The bill (H.R. 14672) to amend the act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1141), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 14672 is to permit the Secretary of the Interior to accept and use donations of property in furtherance of any program authorized by other provisions of law for the benefit of Indians. The bill was transmitted to Congress by executive communication from the Secretary of the Interior.

The committee also considered a companion bill, S. 3275, introduced by Senator Jackson.

NEED

The act of February 14, 1931, authorizes the Secretary of the Interior to accept gifts of real or personal property and to use them for the benefit of an Indian school, hospital, or other institution, or for the benefit of individual Indians. This language is unnecessarily restrictive, because it does not permit the donated property to be used for purposes that will advance the welfare of the Indians, within the framework of programs otherwise authorized by law, unless it can be shown that the property will benefit a particular Indian institution or individual. It is doubtful, for example, that a donation for research on educational curriculum to meet the special needs of Indian children would meet this test. A restatement of the present law would remove this problem.

The bill requires that an annual report be made to the Congress showing the donations received and the use made of the donations, including the administrative costs.

The Secretary now has $35,000 of donated funds that could be more effectively used if the present law were amended.

COST

Enactment of the bill is not expected to involve any additional Federal cost.

SPOKANE TRIBE OF INDIANS

The bill (H.R. 15271) to authorize the use of funds arising from a judgment in favor of the Spokane Tribe of Indians was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1140), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 15271 is to permit the Spokane Tribe of Indians to use the claims judgment recovered against the United States in Indian Claims Commission dockets Nos. 331 and 331A.

The committee also considered a companion bill, S. 2657, introduced by Senator Jackson.

NEED

The tribe has recovered a judgment in the two dockets referred to above for $6,700,000. After payment of attorney fees and other expenses, the net amount available as of January 15, 1968, was $6,029,831.78.

Language carried in each recent appropriation act for the Department of the Interior prohibits the expenditure of Indian Claims Commission judgment funds, except for the payment of attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which the funds will be used.

The enactment of H.R. 15271 will provide the legislative authority for the use of the funds. The bill permits the funds to be used for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Attached to the Department of the Interior's report on the bill is an explanation of the tribe's plans, and the Secretary has indicated that the plans have his approval.

A part of the tribe's plan would permit some members of the tribe to withdraw from tribal membership upon acceptance of $3,750 for their interest. The committee recommends that this feature be not approved pending congressional enactment of general withdrawal authority which the Interior Department is seeking in S. 1816, the omnibus Indian bill.

COST

The enactment of this bill will involve no Federal cost.

SPOKANE INDIAN RESERVATION

The bill (H.R. 3299) to authorize the purchase, sale and exchange of certain lands on the Spokane Indian Reservation, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1142), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 3299 is to provide general authority to acquire and hold in trust for the Spokane Indian Tribe land within its reservation, to dispose of tribal land, and to enter into long-term leases of tribal or allotted land, all for the purpose of consolidating landownership pattern within the reservation and making the maximum utilization of the reservation land base.

NEED

Under present law, the tribe can acquire land within its reservation, but the title may not be held in trust. Tribal land cannot be sold at all, or mortgaged, without special legislation in each case. Leases of both tribal land and allotted land are limited to relatively short periods. Allotted lands in multiple ownership can be disposed of only with the consent of all of the multiple owners, which frequently is difficult to obtain because the owners are widely dispersed.

The landownership pattern in the reservation is checkerboarded, some lands being tribal, some being held in trust for individual Indians, and some being patented in fee to non-Indians. In order to consolidate the landholdings into larger blocks, broader acquisition, and disposal authority is needed. In order to develop the land on advantageous terms, longer term lease authority is needed.

The tribe has developed a land purchase and consolidation program, but the plan cannot be carried out without this enabling legislation.

SECTION-BY-SECTION ANALYSIS

Subsection (a) of the bill gives the Secretary general authority to acquire and dispose of tribal land within the Spokane Indian Reservation.

Subsection (b) permits the Secretary to dispose of allotted land held in multiple ownership when authorized in writing by the owners of at least a majority interest in the land. If a general bill, not limited to the Spokane Indian Reservation, should later be enacted providing for a lower percentage, it would supersede this provision.

Subsection (c) permits the title to lands acquired for the tribe or for individual Indians to be held by the United States in trust, subject to the same laws and rules that apply to similar trust lands. A limitation is provided, however, on the amount of land that may be removed from the taxrolls by acquiring land in trust for the tribe. The value of nontrust lands acquired in trust for the tribe during any 12-month period, and thus removed from the local tax base, may not exceed the value of the land in the reservation in Stevens County that passed from nontaxable trust status to a taxable status during the preceding 12-month period. The county tax base is thus protected.

Subsection (d) permits tribal land to be mortgaged. General authority already exists for mortgaging allotted trust land.

Subsection (e) permits tribal lands to be acquired or sold by the Secretary only on request of the tribal council. Proceeds from tribal land sales must be used only in accordance with the approved land purchase and consolidation program. The money may not be used for other tribal purposes.

Legislation similar to this bill has previously been enacted for other tribes. See, for example, Public Law 84–188 (Yakima Tribes), Public Law 84–772 (Colville Tribes), Public Law 85–915 (Standing Rock Sioux Tribe), Public Law 85–916 (Crow Creek Sioux Tribe), Public Law 85–923 (Lower Brule Sioux Tribe).

COST

Enactment of this bill will involve no Federal cost.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations, the so-called Jackson subcommittee, I believe, be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO POETIC ABILITY OF SENATOR MANSFIELD

Mr. PELL. Mr. President, when ordinary man produces beauty, he does so by putting together ordinary, mundane objects in such a way that, out of the assemblage, beauty emerges. This is what happens, be he creator of beauty, an architect working with steel, or brush, or other three-dimensional objects, or be he a painter working with blobs of paint, a composer working with noises, or a poet working with plain, ordinary words.

But it is about a poet that I rise today, because we have in our midst one who has the poet's quality of expressing himself with a straight, true, pure simplicity, perhaps in part because they are the very qualities of his character.

These characteristics, expressed often and finely in our midst, are usually obscured by the rustle and bustle of our Chamber.

However, a young woman of Montana has expressed the hitherto unsaid thought, captured this thought, and reduced it to writing in her article, "The Poetic Image: Mansfield of Montana."

Mr. President, I ask unanimous consent that the article to which I have just referred be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, Nancy Chapman points out that our respected and beloved majority leader is a poet, which is perhaps one of the very reasons why he is so beloved. It is doubly a coincidence, too, that the young woman who wrote this sensitive essay is herself a student at the University of Montana where the senior Senator from Montana once taught.

EXHIBIT 1

THE POETIC IMAGE: MANSFIELD OF MONTANA

(By Nancy R. Chapman)

(NOTE.—This article is based on a report submitted by Miss Chapman in the course Mass Media in Modern Society during the summer, 1967 term. Miss Chapman, who is studying for a master's degree in journalism at the University of Montana, is a graduate of the University of Mississippi. As an English and journalism instructor at Charles M. Russell High School in Great Falls, Mont., she advises the school newspaper, the Stampede, and the yearbook, the Russellog, both of which have received top ratings from the Montana Interscholastic Editorial Association. Miss Chapman examines in this article Sen. Mike Mansfield's use of the language and suggests that he may be remembered for his eloquence and poetic image as well as for his service in the Congress.)

What is it about Michael J. Mansfield of Montana, Senate majority leader, that has prompted observers to call him a poet? Is it, perhaps his affinity for the national ideal that has created a poetic mist? Is it the grace of his public statements—the thought, form, metaphor and harmony that pervade so many of his speeches? Or is it a poem itself—his eulogy to John F. Kennedy?

It is the purpose of this article to examine those characteristics that have led some to believe the senior senator from Montana does, indeed, possess "a touch of the poet."

Does feeling for, faith in and loyalty to a national ideal make a man a poet? Francis B. Gummere, in Democracy and Poetry, has said: "The duty of every man to make the community efficient, to clear its paths, support it and submit to it, and keep it alive with his own life is a kind of doxology sung wherever the name of the republic is mentioned in assemblies of people."[1] Accepting Gummere's conception of the national ideal as a lyric, one is tempted to conclude that men who best serve that ideal will be considered poets. Mansfield, by serving in three branches of the military, working as a miner, teaching in a university and representing his state in Congress, seems to have approached fulfillment of that "duty of every man." But service alone is not enough. It is the character with which one serves that determines the poetry of his image.

Mansfield has a reputation for being patient, studious and quietly persuasive. He refuses to exercise raw power or to coax, threaten or pressure his colleagues. Sen. Everett Dirksen, Senate minority leader, has said of Mansfield: "He is fair . . . never temperamental . . . no opportunism . . no expediency. . . . He is extremely cooperative and understanding. I couldn't have a better man across the aisle."[2] In 1962, Sen. George Smathers of Florida said of Mansfield: "He has won his sainthood here on earth for his magnificent patience. He has had the fortitude of the Christian martyrs."[3]

It has been observed by one reporter that Mansfield's principal asset is his considerateness.[4] Journalism students at Charles M. Russell High School in Great Falls, Mont., will vouch for that quality. When Mansfield visited the school Oct. 29, 1966, he agreed to be interviewed by student reporters. After the session had been underway for nearly an hour, I suggested to the students that the senator might wish to be excused, for he probably had other commitments. "Absolutely not," Mansfield said. "A politician must always be free to meet with the press."

But what about real poetry—poetry that is spoken or written? Does Mansfield have identity here? If one agrees with the standard conception of poetry as a process in which image, idea and language do their work together, then Mansfield is a poet. He employs in many of his speeches certain literary devices common to poetry. Designed alliteration, marked rhythms, repetitions and figurative language.

The alliteration used in this sentence from a speech during the Suez crisis in 1957 is illustrative: "That seems to me to be a formula for inertia, for drift, dodge, delay, and ultimately for disaster."

Rhythm, repetition and figures of speech make the following passage sound distinctively poetic:

"There is an ebb and flow in human affairs which at rare moments brings the complex of human events into a delicate balance. At those moments, the acts of government may indeed influence, for better or for worse, the course of history. This is such a moment in the life of the nation. This is the moment for the Senate."

And:

"I commend him for forestalling political pyrotechnics on this issue, which, while they provide political capital and bright luster for the few, leave only the ashes of frustrated hopes for the many."

Mansfield was referring to the civil-rights debate in the first example. In the latter quotation, he was speaking about Lyndon B. Johnson, then majority leader.

In December, 1963, when critics had objected to what they termed Mansfield's failure to bring action on the late President Kennedy's legislative programs, the senator countered with these words:

"I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, nor a wheeler and dealer. . . . I achieved the height of my political ambitions when I was elected Senator from Montana. When the Senate saw fit to designate me as majority leader, it was the Senate's choice, not mine, and what the Senate has bestowed it is always at liberty to revoke. But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I shall not don any Mandarin's robes or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader. I am what I am, and no title, political face-lifter, nor image-maker can alter it."

These two excerpts help substantiate further the poetic tenor of Mansfield's speeches:

"I make these remarks today to express what I believe to be a deepening disquiet in the nation. It is as though we were passing through a stretch of stormy seas in a ship which is obviously powerful and luxurious, but a ship, nevertheless, frozen in a dangerous course and with a hull in pressing need of repair. . . .

"I meet with you fresh from an exposure to a cross-section of American sentiment as it exists in Montana, where the frost has long been on the pumpkin and the snows of winter have already begun to gather. I meet with you still strongly seized with what lies closest to the heart of the people of my state. . . . The war is clearly the nexus of the national anxiety. And peace lies at the heart of the nation's hopes; peace—its honorable restoration at the earliest possible moment. . . . We owe that to the unfortunate people of that nation, to ourselves, and to the world."

In the former example, Mansfield was referring to the fears Americans had begun to express regarding so-called inadequacies in national defense and space programs in 1960. In the latter example, he was refer-

[1] Francis B. Gummere, *Democracy and Poetry* (New York; Houghton Mifflin Co. 1911), p. 19.

[2] Frederic W. Collins, "How To Be a Leader Without Leading," *The New York Times Magazine*, July 30, 1961, p. 46, quoting Senator Dirksen.

[3] Missoula (Mont.) *Missoulian*, June 25, 1967, p. 10–A, quoting Smathers.

[4] Collins, *op. cit.* p. 9.

ring to a fall, 1966, visit to Montana and the opinions he encountered concerning Vietnam.

On May 23, 1963, Mansfield spoke at the dedication of the East Coast Memorial in New York City. That speech, reprinted here, serves as one of the most convincing examples of the man's poetic capabilities:

"It was not a long time ago, as time goes. It was scarcely twenty years ago when it all took place.

"In the dawn and in the dusk and through the day, men and women went forth from this nation—to Africa, to Asia, to Europe, to the South Pacific, and to all the far places of the world. Week after week, they went, and month after month, and year after year.

"Before it was done, eight million men and women in battle dress were outside the borders and, within, millions more were ready to go. And behind them, there was a nation with a whole people united in common purpose.

"They came, these men and women in the Armed Forces, from the farms, the mines, the desks and the work benches. They came from slum and suburb, from country and town. They came from Utah and New York, from Puerto Rico and Georgia, from all the States and places in the land. They came from the long-rooted strains of Americans and from those so new that even the English language was still halting on the tongue. They came in all colors, all faiths, all creeds. And they were welcome in all colors, faiths and creeds.

"Some came with fierce anger. Some came with cold hate. And some came with neither hate nor anger. Some knew why they came and some did not. Some came because they were told; and some because they told themselves.

"In the end, it did not matter who they were, what they were, what they did, where they had come from, or why. They became—all of them—the sinew and bone and muscle of a mighty arm of a nation. The nation's purpose was their purpose and it was they who bore the great costs and dangers of that purpose through the long years of the war.

"A common human hope joined these Americans with others, with the English, with Russians, with Chinese, with Frenchmen and many more. And, in the end, this massive force swept, as a great wave, over the ramparts of the tyrants. It tore loose a deadly weight from the minds and backs of hundreds of millions and flung it into the cesspools of history.

"And when this force had spent itself, for a brief moment, men and women throughout the world drank deeply of the meaning of peace and freedom. Many clutched that moment and held it. Many soon forgot or were compelled soon to forget.

"And millions of those who had done so much to forge the moment were not there to live it when it came. Some had fought and died years before and some the day before. They had died in their homes or down the street or on the edge of town, against a wall, in a ditch, a courtyard or an open field. And others had died a long way from home, in an alien land or against a vast sky or in the pitch-dark of the sea's depths.

"Countless Americans were among those who did not see the bright flash of freedom and peace which swept the earth when the conflict ended. They died in all the places and in all the ways of war's death. Today, most of them lie here in the earth of America or in a plot apart in other nations which is of this nation because they are there. But for others, we are not able to provide even a grave with a cross or a star to mark their last traces.

"These are the missing. And it is they who have summoned us.

"How much do we know of these missing men, we who stand here today? We know their names. We know the numbers they bore in the Army and Air Force, the Coast Guard, in the Navy and the Marines. But what do we really know of them? Do we know them as a wife, a mother, a father, a sister, brother or friend might know them? For those close to them, each life lost was as a star in a human universe, a star whose light was bright for awhile and then, in a moment, ceased to burn.

"We cannot know that world, we who stand here, that closed but infinite world of each man's circle. What we can know, what all in this nation can know, and all the world's people should know, is that these deaths are a debt yet to be redeemed. And those whom we could not even bury are of its pledge.

"Let us not delude ourselves. We do not pay the debt with these words today. We do not end it with these steles of granite pointed towards the sky nor with names struck upon stone.

"We seek the words to praise these men and they are wanting. We search to express our thanks to these men and even the genius of the sculptor is not enough.

"The debt remains unpaid. What we do and say here today is not needed by these men whom we honor. It is needed by ourselves. It is needed to remind us that the debt is unpaid. For these men whose names we record, and the countless others throughout the world whose passing was marked or unmarked, did not die for words of praise or memorials of stone. They died that those who lived might have a chance to build this nation strong and wise in justice and in equity for all, in a world free, at last, from the tyrants of fear, hate and oppression.

"It was a long time ago, as time goes, that they died. It was not twenty years but fifty years ago or a century or a millennium. For they died not only on the Normandy Beachhead but at Verdun, at Gettsyburg, at Valley Forge and in all the places and in all the times that the human right to be human has been redeemed.

"If we would honor these dead, then—all of them—if we would praise them, if we would repay them, let us ask ourselves what we have done with this chance which they have given us. And let us ask ourselves again and again what we have done until there is, in this nation and in this world, the need to ask it no longer."

It would seem as if Mansfield's poetic image is obvious when one considers the man himself and the literary devices employed so frequently in his speeches. However, the strongest evidence that he is an occasional poet rests in one public declaration—Mansfield's eulogy to John F. Kennedy. It was delivered at the President's bier in the rotunda of the Capitol at Washington, D.C., Nov. 24, 1963:

"There was a sound of laughter; in a moment, it was no more. And so she took a ring from her finger and placed it in his hands.

"There was a wit in a man neither young nor old, but a wit full of an old man's wisdom and of a child's wisdom, and then, in a moment it was no more. And so she took a ring from her finger and placed it in his hands.

"There was a man marked with the scars of his love of country, a body active with the surge of a life far, far from spent and, in a moment, it was no more. And so she took a ring from her finger and placed it in his hands.

"There was a father with a little boy, a little girl and a joy of each in the other. In a moment it was no more, and so she took a ring from her finger and placed it in his hands.

"There was a husband who asked much and gave much, and out of the giving and the asking wove with a woman what could not be broken in life, and in a moment it was no more. And so she took a ring from her finger and placed it in his hands, and kissed him and closed the lid of a coffin.

"A piece of each of us died at that moment. Yet, in death he gave of himself to us. He gave us of a good heart from which the laughter came. He gave us of a profound wit, from which a great leadership emerged. He gave us of a kindness and a strength fused into a human courage to seek peace without fear.

"He gave us of his love that we, too, in turn, might give. He gave that we might give of ourselves, that we might give to one another until there would be no room, no room at all, for the bigotry, the hatred, prejudice and the arrogance which converged in that moment of horror to strike him down.

"In leaving us—these gifts, John Fitzgerald Kennedy, President of the United States, leaves with us. Will we take them, Mr. President? Will we have now, the sense and the responsibility and the courage to take them?

"I pray to God that we shall and under God we will."

Analysis of the eulogy shows that it follows the classical structure of death poems: (1) It states the fact of death in interjectional outbursts; (2) it contains reminiscences of the deceased; (3) it asks a question of the living; (4) it ends in a statement of appeal.[5]

Gummere has said that the value of any poem is in proportion to the largeness of the mood that it is capable of creating in the properly sensitive recipient.[6] If that is true, then Mansfield's eulogy is permanent poetry, for men always will be sensitive to the mood of death—especially to the death of a President.

It is, of course, the task of future generations to determine the historical legacy of a nation's leaders. Perhaps Senator Mansfield, in some other century, will be remembered not only as a Senate majority leader but also as a poet.

DEATH OF A GREAT MONTANAN—OAKLEY E. COFFEE

Mr. MANSFIELD. Mr. President, the most difficult part of getting older is the loss of an increased number of friends. Last week, Mrs. Mansfield and I were saddened by the death of a long time friend, Oakley Coffee, of Missoula, Mont.

Oakley Coffee's death was most untimely because he had only recently begun a new career as full-time director of the University of Montana Foundation. Early in his life, Oakley established himself as one of western Montana's most successful businessmen. He was involved in civic work and one of the prime influence in developing the city of Missoula and western Montana. He was active in politics and served the State of Montana as an elected official and by appointment of the Governor. At the time of his retirement from the business world, he turned to his truly great interest—the University of Montana.

Oakley Coffee became the first full-time director of the University of Montana Foundation. He put new life into the organization; it began to function.

The Foundation support grew and it became active in a number of areas. Oakley Coffee was the innovator of the Mansfield Endowment and the lecture series at the university. He spearheaded the fund-raising campaign which provide outstanding lecturers on the university

[5] Gummere, *op. cit.*, p. 161.

[6] *Ibid.*, p. 138.

campus. I shall be forever grateful to Oakley Coffee for this honor paid to me at my alma mater.

Again, I say, it is unfortunate that he could not have lived on to realize more of the dreams he had for the university.

Mrs. Mansfield joins me in extending our heartfelt sympathy to Mrs. Coffee and their two sons and their families. Oakley Coffee was a great Montanan and he will be so remembered.

It is, indeed, a great loss when you lose a friend with whom you have been so close and friendly for so many decades, who has been your strong supporter down through the years, and who has always had faith in you when the going was good as well as when it was bad.

Mr. President, I take this occasion to express my heartfelt loss at the passing of this great Montanan.

Let me repeat Oakley Coffee will be long remembered.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Missoulian of May 23, 1968, entitled "Long-Time Civic Leader Oakley E. Coffee Dies," and an editorial entitled "Oakley Coffee: Regret and Fondness."

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

LONG-TIME CIVIC LEADER OAKLEY E. COFFEE DIES

Oakley E. Coffee, 67, long-time business, education and civic leader of Missoula, died Wednesday morning in a Missoula hospital.

Mr. Coffee was past president of Coffee's Missoula Drug Co.; president of Hammond Building, Inc.; past president of Western Montana Developments; president of Apothecaries of Nevada; a director of the First National Bank of Missoula, and special representative to the Control States, Almaden Vineyards, Los Gatos, Calif.

He was born Feb. 6, 1901, at Wickliffe, Ky., and came to Missoula as a child, attending local grade schools and Missoula County High School. He attended Virginia Military Institute in 1918 and 1919, then the University of Montana from 1919 to 1923, receiving a Ph G. degree in pharmacy and B.A. in business administration. He attended Harvard University Graduate School from 1923 to 1925, receiving a master's degree in business administration.

In college he was a member of Sigma Chi social fraternity; Kappa Psi, pharmacy honorary; Scabbard and Blade, military honorary; Silent Sentinel, men's senior honorary; cadet major in ROTC; student manager of Associated Students; a member of the debate team and baseball manager. In graduate school he was a member of the editorial board of the Harvard Business Review, picked from the top 2 per cent of his class.

Mr. Coffee was a member of the Christian Church, Masonic orders, Shrine Club and the Elks.

He was past president of the Missoula Kiwanis Club, Missoula Chamber of Commerce and the Missoula Community Concerts Association.

Serving in many types of activities, he was cofounder and director of the United Givers of Missoula County; cofounder and member of the Missoula Labor-Management Board; a member of the advisory board of St. Patrick Hospital; vice president of the National Alcoholic Beverage Control Association (composed of commissioners of 17 states having state liquor monopolies); secretary of the University of Montana Endowment Foundation.

Mr. Coffee was a member of the advisory board of the National Youth Administration; past state representative in the Montana House of Representatives from Missoula County; for 10 years was Democratic member of the Montana State Liquor Control Board, and was Missoula County chairman of the U.S. Savings Bond program from 1942 to 1965.

Surviving are his widow, Alice; two sons, William O. Coffee, Missoula, and John C. Coffee, Whitefish, and two grandchildren.

Funeral services will be at 3 p.m. Friday in the First Christian Church with the Rev. Paul Deane Hill officiating. Missoula Lodge 13, AF&AM, will have graveside services at Missoula Cemetery. Squire-Simmons-Carr Mortuary is in charge of arrangements.

Tributes may be in the form of contributions to the University of Montana Foundation.

OAKLEY COFFEE: REGRET AND FONDNESS

Oakley Coffee died Wednesday and there is much to mourn because there is much to praise about his works in life.

He was a Missoulian for almost 67 years. His life was oriented to this community and its future. He didn't just live here, he left his mark here. The stamp of what he did will remain to benefit many people for years to come.

Oakley Coffee was a kind and jovial man who combined those traits with a no-nonsense, vigorous, intelligent approach to problems. His list of service is long.

He was one of the key men in getting the United Givers program revived and flourishing.

He was in the drug business here for many years, but began selling his business interests in 1965. In January this year Mr. Coffee was awarded a glass figurine by University of Montana Pres. Robert Pantzer for his work on behalf of the UM Foundation.

Mr. Coffee was instrumental in establishing the foundation in 1950 and it was his chief center of interest when he died. He was its first full-time director, and did an excellent job. He also was one of the prime movers in establishing the Mansfield endowment fund for lectures on international affairs.

The list goes on—state legislator (as a Democrat), member and chairman of the Montana Liquor Control Board, member of St. Patrick Hospital Advisory Board from the time it was established in 1946, vice-president of the hospital's fund drive, Kiwanis Club member and former president, Shriner, president of the Missoula Chamber of Commerce—the list could go on.

Equally important was his behind-the-scenes work on many worthwhile endeavors. Oakley Coffee was the kind of man whose name always seemed to crop up when reliable, conscientious, hard-working men were being sought on behalf of a project. He did the work and did it well, whether as a worker or a leader.

He was stimulated by ideas and motivated by an ideal to create a better future for Missoula.

Missoula will remember him with fondness and with regret for his passing.

TELEVISION PROGRAM "YOUR SENATOR'S REPORT"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of a television broadcast made last Sunday, by the distinguished Senator from Pennsylvania [Mr. SCOTT], in which I participated.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TEXT OF "YOUR SENATOR'S REPORT," A PROGRAM DONE BY SENATOR HUGH SCOTT, REPUBLICAN OF PENNSYLVANIA FOR BROADCAST ON TELEVISION AND RADIO STATIONS IN PENNSYLVANIA

Guest: Senator Mike Mansfield (D.-Mont.)

SCOTT. Can Congress get its work done and adjourn on time this year? Let's ask the Senate Majority Leader.

ANNOUNCER. "Your Senator's Report." From the Nation's Capitol we present another report to the people of Pennsylvania. This unique, award winning series of programs is done in the public service and is brought to you by Senator Hugh Scott. Now, here is Senator Scott.

SCOTT. Ladies and gentlemen, our guest today is the very distinguished Majority Leader of the Senate, the Honorable Mike Mansfield of Montana. He's the only man I know of who has served in the Army, in the Navy and the U.S. Marine Corps. After working as a young man in the mines in Butte, Montana he earned his degree at the University of Montana and then taught there for ten years as a professor of Latin American and Far Eastern history. He's now a professor of history on permanent tenure at the University of Montana. He served five terms in the House of Representatives, was first elected to the Senate in 1952, is now in his third term in the Senate. Senator Mansfield is a member of the Foreign Relations Committee, the Appropriations Committee, has served as Majority Leader of the Senate since 1961. Senator Mansfield, it's a great honor for me and our viewers to have the Majority Leader here with us.

MANSFIELD. Well, Hugh, it's always good to be with you. I remember we served in the House together and now I've had the pleasure of serving with you in the Senate.

SCOTT. It's been a very pleasant experience for me and I indicated as we opened that I would ask you what you think of the chances of adjourning in time for the two parties' national conventions in August.

MANSFIELD. Well, Hugh, it just happened that I met with the Policy Committee today, and we discussed this possibility. I asked the Policy Committee if they would do what they could to get the appropriations out of the way by August 2 or 3 prior to the start of the Republican convention on August 7, I believe. They promised that they would do what they could, and I informed the Committee that it was my feeling that if we got the appropriation bills out of the way by that time, then we ought to consider most seriously a *sine die* adjournment until next year.

The reason for it, of course, is that the 10 days between the Democratic and Republican conventions means that nothing much will be done. And if we come back after the two conventions I think there will be too much politics and too little legislation, so if we can make it by the second or third of August, we'll be very happy and we'll do our very best to meet that date. Incidentally, I also talked it over with Senator Dirksen, the Minority Leader, and he is in accord with that possibility.

SCOTT. Not so long ago you executed some new regulations here which mean that the Senate works longer and harder than it has worked for a long time.

MANSFIELD. That's right, and the purpose behind it, Hugh, is to try and meet this August 2 or 3 deadline.

SCOTT. Well, now, on another subject, Mike, and that is the peace talks. You have had some very definite views about the possibilities of peace, and what are your hopes for the peace talks at Paris between our side and their side?

MANSFIELD. Well, I think it ought to be kept in mind that if this meeting now taking place had not occurred, it would not be possible to make arrangements for further meet-

ings seeking to enter into possible negotiations and an honorable settlement. While nothing has been accomplished of any substance as yet, I don't think we should be too disappointed, because you have to expect a certain amount of sparring, a certain amount of propaganda, and the greatest virtue which we can exhibit at this time, in my opinion, is patience. So, while we have nothing to show for the efforts of Harriman and Vance, on the one hand, and Xuan Thuy and the others on the other side, nevertheless the fact that they are meeting is an indication that things might be done. But we had better be prepared for long, drawn-out talks and negotiations, and no quick solution.

SCOTT. And, while these talks are going along, of course, both sides are fighting, and I suppose there isn't much hope of a real de-escalation for a while either. Is there in your opinion?

MANSFIELD. I wouldn't think so at the moment, although Harriman and his associates are trying to work out some sort of a mutual agreement with full approval of the President, whereby in return for further de-escalation to quit bombing of the North, Hanoi ought to show some reciprocal action, such as reduction in the number of infiltrators, a declaration concerning the demilitarized zone, or other factors which would indicate good faith on their side, as well as ours.

SCOTT. Now, the Hanoi side have had their people bringing in props, you might say—actually what purports to be pieces of napalm, or various forms of war implements—to put on the Americans the onus of a kind of warfare which they claim we're waging. They also deny that there are any troops of the North Vietnamese armies in the South, and we're saying there are about 85,000 North Vietnamese troops. Do you know whether we have any intention of actually bringing in some physical evidence of the presence of North Vietnamese troops in the South, such as the confessions of witnesses, of soldiers, or some North Vietnamese equipment, or uniforms? Do you know whether we're going to respond by bringing some props in on our side or not?

MANSFIELD. Well, that I can't say, but I'm quite sure it would be easy to furnish substantiating evidence to the effect that the North Vietnamese troops, in batallion, regimental, and division size, have been in South Vietnam for some time, still are there, and are still coming down across the DMZ and through Laos as well.

SCOTT. Now, we both know how the communists negotiate with wild threats and extreme charges, but isn't it possible instead of actually making concessions at the negotiating table, that they may choose to engage in some form of modest de-escalation? And then we take a look at it and say, well, you didn't say you would do it here, but you have de-escalated in certain degrees at certain places, and therefore we will also de-escalate in another place. Isn't it possible their actions may at some point be more cooperative than their words, their talk at the table?

MANSFIELD. Yes, I would agree that is a good possibility, and as you say, actions do speak louder than words. I would think also, Hugh, that much of the publicity attendant upon the Paris meetings has to be taken with a grain of salt, and that if anything tangible is to be accomplished, it may well be done in private, in the quiet of a conference room with no television, no radio, no newspapermen present. That is the way diplomacy should work, so I would hope that the fact that there has been no apparent improvement on the basis of the talks which have been going on now into their second week, that the American people would not be discouraged, would recognize that there are different ways and means by which diplomatic objectives can be accomplished, and would exercise a degree of patience and understanding, and support for the U.S. negotiators in a most difficult assignment.

SCOTT. In fact, in some of these international meetings a good deal more happens at the receptions where neither side wants to offend some powerful intermediary, or possible intermediary. Everybody goes to the reception, and then Mr. Harriman and somebody from the other side might drop out of sight and do some talking. That's one of the ways it's done in international affairs, isn't it?

MANSFIELD. Yes, that's true. Then, of course, there's also the possibility that third parties would be available as intermediaries, and hopefully used with some degree of success.

SCOTT. Well, some people have mentioned the French. There isn't too much peace in Paris nowadays. What do you suppose is going to come out of the student revolts, the worker occupation of plants, the general civil disorders which are now sweeping France, and particularly Paris? Do you think General DeGaulle's government will be able to maintain itself, or would you look for a change of government there?

MANSFIELD. No, I wouldn't look for a change of government. I would look for General DeGaulle and his government to prevail, but only on the basis of concessions to the students and to the workers. You know I have a great deal of admiration for DeGaulle. I don't agree with some of his policies, such as his interference in the affairs of Quebec, his keeping Britain off the Common Market, and so forth. But I do recognize the fact that after a most difficult period of travail following the end of the Second World War until DeGaulle came, there wasn't much in the way of order and efficiency in France itself. Since he has assumed power, while he's rubbed us the wrong way on a number of occasions, at the same time he has raised France to a prestigious position which the French recognize and appreciate. At the same time, of course, he's raised himself pretty high. But, he does have his hands full. This is the most difficult crisis which has confronted DeGaulle to date. How he will handle it remains to be seen, but I think he's on the defensive. I think he will have to make an accommodation, and I think it indicates that as far as his position is concerned, despite what he has done, that he has been weakened because of the events in recent months and years.

SCOTT. I've heard it mentioned as a possibility that should his government fall it might be succeeded under a government to be set up by a former Prime Minister whose name was Mendes France. Do you know Mendes France, do you have any experience with him at all?

MANSFIELD. Yes, I've met Mendes France both in this country and in France, and, of course, I remember the courageous part he played in bringing about an end to the French situation in Indo China, culminating, of course, in the Geneva Accords of 1954. Since that time though, Hugh, he has been sort of in the background. He's coming up a little bit lately. Just what position he will achieve in any event which transpires remains to be seen.

SCOTT. Yes I believe he was out of Parliament for a long time, then went back to Grenoble and ran from a university town. You're a professor, and I did a little teaching last year at Oxford, and that leads me into another question and that is this whole question of student seizures of universities, and student revolts and general riots. What is your feeling, for example, about the Columbia University situation?

MANSFIELD. Well, I have a feeling that the gulf between the administration of our universities and the faculties on the one hand, and the students on the other, has been widening of late. I think it's because the universities are getting too big. I think as far as the teaching profession is concerned, it's getting too impersonal. What the faculty members have are teaching assistants, readers and the like, taking care of the huge classes which have come into being. Now, undoubtedly there must have been some reason for this difficulty besides that which I've mentioned. The question of the gymnasium to be built adjoining Columbia University—a gymnasium which I understand would not have been built but the news hadn't gotten around by the time that the student outbreak occurred. And then, of course, I think there is this matter of discipline and responsibility which should be exercised by both the university and the student body and equally by both.

SCOTT. And the parents.

MANSFIELD. And the parents as well, because sometimes it's the parents who are responsible for the type of children which they produce and the kind of behavior which they practice. Insofar as punishment is concerned, there are ways and means by which a university could act. There is the question of suspension, there is the question of expulsion, and there is the question also, if things get out of hand, of closing down a university. I don't believe the best idea is to impose a Congressional restraint, as we've done in the House, by taking away funds from students, because I think the question is perhaps both unconstitutional and unworkable. But I do think expulsion, suspension, and other means can and should be used if necessary to bring about a degree of reorientation and accommodation and understanding on the part of both the students and the faculty.

Now, what will happen because of this wave of events in this country and abroad, no one really knows. But it is understandable when a minority of students becomes uneasy, disturbed. But I think that we should not by any means assign to the great majority of the students what this small minority does on a particular occasion.

SCOTT. And there, of course, cannot be any justification whatever for the unlawful seizure of university property. I don't suppose anybody justifies occupation of another persons property, or kidnapping, or seizure of university faculty.

MANSFIELD. Not at all, and furthermore, those people who do that are liable to the law, as they are for stealing papers out of the President's office, as I understand was done at Columbia. The law is there to be observed, and if you disagree with it then I think you take your chances in its application.

SCOTT. Well, I think it's Kenneth Crawford, in this week's *Newsweek*, who points out that when a student comes along like Mark Rudd—he is 20 years old—he wants to take over the curricula, and he proposes that the students establish what shall be the curriculum of the university. And he says about Mark Rudd and the other young people of 20, they just haven't been learning long enough to know enough to do some of the things they want to do. On the other hand, it's spring, and this is in some ways the modern equivalent, I think, of the panty raids, and the water throwing, and the raids on the girl's dormitories. It's just been handled in a much more serious fashion, and there has been too much activism in it. But let me get into another subject where there hasn't been enough activism, and that is the tax bill. What are the chances of our getting a tax bill this year, and will it be accompanied by a severe budget cut of $4 to $6 billion? What do you think?

MANSFIELD. Well, as you know, Hugh, the Senate did pass a tax bill by an overwhelming vote, approximately two to one. Under this there would be a 10 percent surcharge on income taxes of those earning $5,000 a year or more. There would be a $10 billion reduction in the President's budget and there would be a $6 billion reduction in Government

expenditures. That, in brief, is what the conference agreed to. Now whether or not this will be agreed to by the House, I do not know, though at this time it looks highly doubtful. I do feel, though, that this matter should be taken up in the House, that this conference report already agreed to by the Senate should be accepted by the House, and while it may be politically disastrous to vote for a tax bill in an election year, I would point out that it would be more disastrous to pay much more in the way of inflated prices than to face up to the responsibility which is entailed upon all of us at this time.

SCOTT. Well I happen to agree entirely with you, and my vote showed it, as you know. . . .

MANSFIELD. That's right.

SCOTT. I have supported these tax bills. Nobody likes to be for a tax bill. And in my office they took a look at what I have to pay for voting for a tax bill and they said, "Can you afford it?" I said the whole answer is that none of us taxpayers can afford not to do it when you figure what a thief inflation is, and how much it takes out of your pocket when you aren't looking. And we certainly can't afford the assaults on the dollar that we have been putting up with because the Congress hasn't acted, it seems to me.

MANSFIELD. Well, Hugh, you have to keep in mind, the fact too, that they're paying 8 percent on mortgage money now. I wouldn't be surprised if it went to 10 percent. I think that we ought to recognize that we have the worst inflationary period in a good many years, an annual rate of 4 percent. It could go up, and if it does we will pay a great deal more, I repeat, than we would pay in the form of taxes.

SCOTT. And gold has gone up from $35 an ounce on the free market to $42.50 and that means further assaults on the dollar.

MANSFIELD. That's right.

SCOTT. Well, can we save money by withdrawal of forces from Europe? What does that do to NATO?

MANSFIELD. Well, at the present time we're spending about $2.7 billion a year to maintain 600,000 U.S. troops and dependents in western Europe. This is exclusive of the Sixth Fleet. I would hope that after almost 25 years, following the end of World War II, that we could do something to bring back at least four of the six divisions with their dependents and quarter them and house them in this country. I am not for withdrawing the troops in Europe, plus their dependents because of the dollar drain, though that is an increasingly important factor, nor am I in favor of it because of the situation in Vietnam. It is a matter of principle I have advocated for more than a decade. I think they have been there too long, and it's about time that the Europeans took over the primary responsibility in their own defense, and the time is long past due when our divisions, at least the large part, should have been withdrawn. It does not mean anything as far as not honoring our obligations to NATO is concerned because they will be honored. Our word has been pledged and that word will be kept and, if need be, we will be ready to come to Europe's assistance again, based on the commitments made under the North Atlantic Treaty.

SCOTT. And the British have recently indicated, have they not, that they will station more forces in Europe in view of the fact that they've pulled out east of Suez? Isn't there some indication that Great Britain's going to do somewhat more than we first thought they were going to do?

MANSFIELD. That's true, but they're not going to be on the European mainland. They're going to be in the British Isles and that's what I would like to see, some of the U.S. troops brought back to our own country. Even with the 40 percent increase announced by Britain they will still not live up to their commitment, nor has any other country in the NATO organization, except our own, fully lived up to its promises and pledges as far as troop strength and material, logistical equipment, are concerned. As a matter of fact, most of them, like the Low Countries, Denmark and Britain, have reduced their conscription periods. Britain has done away with it entirely. France has withdrawn her entire groupings from the NATO command. Others have failed to fulfill the numbers, including the Germans, who have 12 divisions on paper, which is their commitment. But those 12 divisions do not even make the equivalent of 8 divisions at the present time. So it's not a case of running out on NATO. It's a case of honoring our pledge by urging these others to meet their commitments and to take over the primary responsibility in their own defense.

SCOTT. Well, moving over to eastern Europe—developments in Czechoslovakia are leading people to believe that this country is becoming more nationalistic in its Communism, more libertarian. That the new man, Dubcek, it seems, is at least trying to shake some of the ties to monolothic Communism. The same thing seems to be happening in Rumania and it did happen in Yugoslavia. Do you look for more of this? Do you welcome this sort of development? What are your reactions to it?

MANSFIELD. Oh, I certainly do. I'm in accord with what you said, Hugh. I think it might be interesting to note, too, that Mr. Dubcek's father, I believe, worked for a while—if my memory serves me correctly—in western Pennsylvania around Pittsburgh. Mr. Dubcek's elder brother was born in this country, but they returned to Czechoslovakia sometime in the late teens or early twenties. But I think it's a good move in Czechoslovakia. I think that what has happened in Rumania is awfully good and it proves to me that despite the emphasis placed on Communism that the greatest ideology of all is nationalism. I'm delighted to see these nations emerge on this basis because they are more libertarian. They do give their people more freedom. There is more opportunity and it weakens the hold of what used to be called monolithic Communism.

SCOTT. Well, I have a friend who is Secretary of Labor and he's of Czech origin, John Tabor. And he has asked me to ask for an investigation of the circumstances surrounding the death of Jan Masaryk. Do you see any objection to our inquiring of the Czech Government as to what is being done with regard to the Masaryk incident, since they themselves have opened it up?

MANSFIELD. Well, I think it would be well for the Czech Government itself to take the initiative in that respect, because after all Jan Masaryk was the President of the Czechoslovak People's Republic—a Republic created, incidentally, at the conclusion of the first world war by the Treaty of Pittsburgh. But we have to be a little careful involving ourselves in the affairs of other sovereign states. But perhaps inquiries could be made, information could be forthcoming, and perhaps, finally, the truth could be laid out.

SCOTT. Mike, let me ask you one question.

MANSFIELD. Just a moment, Hugh, I want to make a correction. I referred to Jan Masaryk as being the President of the Czechoslovak People's Republic. He was the President of the Czechoslovak Republic. The Peoples Republic did not come in until after his assassination and then, of course, it was a Communist Republic.

SCOTT. Yes, well, we have that corrected. Today—and we tape these programs a few days in advance as you ladies and gentlemen know—today we're voting on the Safe Streets bill. What is your feeling to this bill which the President has requested, although some of the features added by Committee are not part of his request?

MANSFIELD. Well, it's a pretty complicated bill, as you well know. It has to do with block grants to states and, possibly, municipalities for the upgrading of the police and the improving of police techniques and methods. It has to do with gun control. It has to do with eavesdropping. And it also has to do with decisions which have been handed down on them by the Supreme Court, some of them on a 5-to-4 basis, others on a 6-to-3 basis. The bill is necessary. It may be a little bit too much in its entirety, but certainly the title explains the need for it—a Safe Streets and Omnibus Crime Control bill. Something on this order is necessary if not this particular bill, because of the increasing crime rate throughout the country and the need for monies and men and materials and techniques to face up to these problems.

SCOTT. Well, I've been concerned about some 5-to-4 Supreme Court decisions, and particularly about the *Miranda* and *Escobedo* cases. But there is a feature of this bill where I think we ought to have an amendment—and I don't know your feelings on it, but I do hope that as we vote this week we will strike out that part of the bill which would prevent appeals to the Supreme Court, over to another part which would limit appeals. I would still like to see the Supreme Court as the final arbiter, but I would also like to see us have somewhat more freedom and discretion in the trial judge in the hearing of confessions and in determining what is voluntary. I wouldn't think the President will veto that bill, would you?

MANSFIELD. No, I wouldn't think so and I think it's needed, because while the Supreme Court is a separate branch of the Government and supposedly has a final say about all matters which reach within the jurisdiction, nevertheless, we cannot foreclose that the Congress likewise has a final jurisdiction, which it must exercise in good conscience on the basis of events as they occur in the history of the Republic.

SCOTT. And when there were some decisions which many people didn't like, such as the *Miranda* case, the Supreme Court went so far as to say that Congress, invited Congress to go ahead and consider a better way, at that time, if you remember.

MANSFIELD. That is correct.

SCOTT. It's a function of Congress. Now we have in Washington what is known as the Poor People's March. I find that my friends in Pennsylvania think that everybody in Washington is living in some sort of fear. I don't think that's the case. But what do you think about this Poor People's March? Are they going to be successful in any aspect of what they're asking, from this Congress?

MANSFIELD. Well, all Americans have the right to petition, to seek redress. All I ask, and all my colleagues ask, is that it be done in a constructive manner. As far as the Senate is concerned, we will face up to our responsibilities, and we would have without a Poor People's March. We will each have to do what we think is best in accord with our own consciences, and certainly we will do that because that is what we're back here for. But we'll do it on the basis of exercising our own best judgment and being accountable, of course, for the results when we go home, as to what our people think of the actions which we've taken here.

SCOTT. Congress has done a great deal to help people, and particularly people who are economically distressed, and will do a great deal more. But as I understand it, Mike, what you're saying is it will not act under threat or fear. It will act only as a legislature should act, and within the framework of our system. Isn't that about it?

MANSFIELD. Exactly, and that is the way it should act. That is the way it will act and if any other methods are used to try to sway the Congress, the results could well be counterproductive.

SCOTT. And do you expect any violence in Washington during this period of the marc'?

MANSFIELD. I do not anticipate any. I hope there will be none, and I see no indication

yet that that is a possibility. But I wouldn't foreclose it because any situation like this could become difficult.

SCOTT. But even so, the Senate and the House of Representatives will continue to meet and they will meet in decency and in order and with all the lawful protections that surround the operation of our Government. Isn't that right?

MANSFIELD. Absolutely and without question.

SCOTT. Good. Well I'm glad to hear you say that. I wish the program were longer, ladies and gentlemen. We are pursued with votes. We'll probably have six or seven votes today on the Safe Streets bill, and therefore we're all under a little pressure. But it has been a great privilege to have with us the most distinguished member of our Senate, the Majority Leader, Mike Mansfield. Mike, thank you so much for coming.

MANSFIELD. Thank you, Hugh. It's been a pleasure to be with you, to participate in this discussion.

SCOTT. Thank you.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 23 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, May 28, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 27, 1968:

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as a Foreign Service officer of class 2, a consular officer, and a secretary in the diplomatic-service of the United States of America:

Alexander Akalovsky, of Maryland.

Now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consular officer of the United States of America:

John J. Crowley, Jr., of West Virginia.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Robert A. Senser, of Illinois.

For promotion from a Foreign Service officer of class 6 to class 5:

Eugene J. Schreiber, of Missouri.

For promotion from Foreign Service officers of class 7 to class 6:

Michael I. Austrian, of Virginia.
Alfred R. Barr, of Virginia.
Roger P. Bradley, of Illinois.
Miss Joan E. Brosius, of Massachusetts.
Wat T. Cluverius IV, of Illinois.
Larry Colbert, of Ohio.
James K. Connell, of Connecticut.
Richard N. Dertadian, of California.
James J. Ehrman, of Wisconsin.
John H. Foley, of Arizona.
Robert F. Gould, of Ohio.
Thomas M. Harrington, of Rhode Island.
George Owens Haskell III, of Georgia.
John H. Hudson, of Georgia.
Donald L. Jameson, of California.
Peter Edward Jones, of Maryland.
Thomas B. Killeen, of Pennsylvania.
David Burton Langhaug, of Michigan.
Richard M. Miles, of South Carolina.
Robert P. Milton, of Georgia.
Paul D. Molineaux, of New York.
Dennis P. Murphy, of Washington.
James A. Nathan, of Illinois.
L. Ivar Nelson, of Missouri.
Thomas E. O'Connor, of Ohio.
Dennis R. Papendick, of California.
Richard J. Rosenberg, of Nebraska.
James L. Russell, of California.
William R. Salisbury, of New York.
Charles S. Spencer, Jr., of Tennessee.
Michael D. Sternberg, of New York.
David H. Swartz, of Illinois.
Miss Arma Jane Szczepanski, of Minnesota.
James E. Thyden, of California.
Peter Tomsen, of Ohio.
George E. Tuttle, Jr., of New Jersey.
Philip C. Wilcox, Jr., of Colorado.
Curtin Winsor, Jr., of the District of Columbia.
Howard S. Witmer II, of Michigan.
Toby T. Zettler, of Ohio.

For promotion from Foreign Service officers of class 8 to class 7:

Paul E. Barbian, of Wisconsin.
Ward Davis Barmon, of New York.
William J. A. Barnes, of Massachusetts.
Martin D. Branning, of Washington.
Kent N. Brown, of California.
Thomas L. Bryant, of California.
Robert K. Carr, of California.
Miss Susan Ann Clyde, of Colorado.
Victor D. Comras, of Florida.
James B. Corey, of Michigan.
James F. Dobbins, Jr., of Pennsylvania.
Stanley T. Escudero, of Florida.
Miss Dorothy M. Feeney, of Massachusetts.
John L. Folts, Jr., of Maryland.
Robert S. Gelbard, of New York.
Ben F. Harding, of Alaska.
William D. Heaney, of California.
Miss Natalie W. Hull, of Georgia.
Douglas R. Keene, of Massachusetts.
Roger A. Long, of Maryland.
Roger A. McGuire, of Ohio.
Anthony vE. Miller, of New Jersey.
Gary R. Nank, of Ohio.
Harold T. Nelson, Jr., of Nebraska.
Warren P. Nixon, of Virginia.
Jerome C. Ogden, of New York.
Miss Shirley E. Otis, of Pennsylvania.
Algirdas J. Rimas, of Virginia.
Miss Ellen L. Robbins, of Illinois.
David A. Ross, of New York.
Stanley S. Shepard, of Colorado.
E. Michael Southwick, of California.
Kenneth A. Stammerman, of Kentucky.
Lawrence M. Thomas, of Tennessee.
Robert A. Tsukayama, of Hawaii.
Robert E. Tynes, of Virginia.
Miss Rose Lee Unger, of Ohio.
Harvey M. Wandler, of New York.
Miss Carol E. Wilder, of Georgia.

Foreign Service Reserve officers to be consular officers of the United States of America:

George Borrowman, of the District of Columbia.
Charles O. Coudert, of Connecticut.
Grant A. Fielden, of Maryland.

Foreign Service Reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Emanuel C. Ackerman, of New York.
Edwin Alfred Anderson, of New York.
Richard C. Baker, of Kansas.
Richard C. Bull, of Missouri.
Walter T. Cini, of Maryland.
William S. Dickson, of New Jersey.
Terrence R. Douglas, of New York.
Robert G. Gately, of Texas.
Howard P. Hart, of Virginia.
A. Grima Johnson, of the District of Columbia.
James H. Kelly, Jr., of Maryland.
N. Richard Kinsman, of New York.
George J. Kunz, of Maryland.
John D. McCully, of Texas.
Ralph C. Meima, Jr., of Maryland.
G. Richard Monsen, of Utah.
David E. Murphy, of Virginia.
Patsy C. Patty, of Ohio.
Robert J. Pierce, of the District of Columbia.
Dino J. Pionzio, of Connecticut.
Stanley Rich, of New York.
Eugene Rosenfeld, of Virginia.
Ralph E. Russell, of Maryland.
David A. Scherman, of Illinois.
Keith B. Schofield, of Idaho.
Arthur J. Smith, of the District of Columbia.
Jack Vanderryn, of Maryland.
Quentin H. Watkins, of Indiana.
J. Robert Wills, of North Carolina.

Foreign Service reserve officer to be a secretary in the diplomatic service of the United States of America:

Francis E. Raterman, of Virginia.

Foreign Service staff officers to be consular officers of the United States of America:

William E. Ball, of New York.
Edward A. Berg, of New Jersey.
Robert W. Biddle, of Ohio.
Maurice L. Brooks, of New Jersey.
Maurice C. Burke, of Massachusetts.
Rufus W. Corlew, of Tennessee.
Miss M. June Dohse, of Ohio.
Richard C. Dunbar, of Washington.
Miss Joyce M. Ferguson, of New Hampshire.
Jack F. Gillespie, of Texas.
Frank W. Hagen, Jr., of California.
James P. Hargrove, of Texas.
John R. Horan, of California.
Lawrence S. Kujubu, of Illinois.
Miss Charlotte S. Landrum, of Tennessee.
James R. Lilley, of the District of Columbia.
Mrs. Dorothy D. Linete, of Colorado.
Robert E. MacDonald, of Virginia.
Miss Mary E. McMullin, of Pennsylvania.
Miss Wilda Mitchell, of Nebraska.
Chandler P. Roland, of California.
Lawrence D. Russell, of Florida.
Miss M. Cordelia Sanborn, of Illinois.
Miss Alice L. Seckel, of California.
Vincent H. Shuey, of New York.
Bobby L. Watson, of California.
Daniel R. Welter, of Massachusetts.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captains

Hubert W. Keith, Jr.
Steven L. Hollis, Jr.
Pentti A. Stark
Merlyn E. Natto
Alfred C. Holmes
Arthur R. Benton, Jr.

To be commanders

Wesley V. Hull
Wayne L. Mobley
Charles A. Burroughs
Richard E. Alderman
Ray M. Sundean
George M. Poor
Charles K. Townsend
Ronald L. Newsom

To be lieutenant commanders

Stephen Z. Bezuk
Ned C. Austin
John W. Carpenter
Ronald K. Brewer
Jeffrey G. Carlen
John D. Boon III

To be lieutenants

John K. Callahan, Jr.
Leslie H. Perry
Melvin N. Maki
Robert H. Johns
Thomas C. Kalil
Kanezo A. Domoto
Richard T. Sheahan
Calvert D. Iles
A. Conrad Weymann III
George R. Knecht
Jack L. Wallace
Roy K. Matsushige
Richard T. LeRoy
Larry K. Nelson
Richard J. Wenstrom

To be lieutenants (junior grade)

Anthony Vecino
Roger G. Svendsen
Gary R. Polvi
Bradford W. Roth
Jerome F. Ewen
Thomas E. Gerish
Melvin S. Asato
Gary L. Boyack
James E. W. Walsh
David M. Wilson
Ernest D. Harden
Michael Engel
Donald P. Henneuse
Dino J. Ferralli
Caroll D. North, Jr.
Gary J. Lillesve
George H. Bragg, Jr.
Roger T. Olack

William W. Spychalla
Terry E. Bryan
Bruce C. Renneke
Jimmy R. Eddlemon

IN THE COAST GUARD

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Joseph J. O'Connell
Alvin Cattalini
Louis J. Korecki

The following-named officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–4:

Charles A. L. Linder
Edwin M. Smithers
Raymond H. Mathison
Johnnie Cox
Keith R. McClinton
Alvadore C. Grant
Edward L. Wyman
Fred Pilatsky
Claud W. Ashcraft
Frank W. Kattein, Jr.
Horace Stephens
Tugg P. Heimerl
Elmer Lovan
Victor E. Kindrick
Wayne J. Fisher, Jr.
Jack Peterson
Robert E. Bowlby
Edward V. Sapp
Harry P. Earley
Loy J. Russell
Penrose C. Dietz
Basil V. Burrell
Albert H. Tremlett, Jr.
Joseph H. McKenna, Jr.
John H. Suchon
John E. Cherney
Francis C. Soares, Jr.
William R. Benedetto
James J. Burley
Richard E. Simpson
Edward D. Phelps
Raymond E. Aholt
Harlan Kaley
Alfred R. Kolar
Eddie Brophy
Robert H. Neuman
Clifford A. Gustavson
Charles R. Hug
Harold C. Harris
Gordan L. Anderson
William B. Muller
Frank J. Miller, Jr.
Harry S. Huggins
Harold L. Brackett, Jr.
Isaac W. Lange
Patrick J. Mahon
Richard Dickinson
Robert C. Sachs
Donald F. Bradtke
Anthony M. Mazeika
Joseph W. Carawan
John P. Hart, Jr.
John A. Keller
Clarence L. Miller
Maxie M. Berry, Jr.
William M. Rickett
Clinton J. Tatro
Mario J. Camuccio
John M. Howarth
Charles M. Burleson
Marvin C. Fields
Jack B. Meadowcroft
Artis L. Whitford
Donald J. Cleveland
Robert G. Carnilla
Edward L. York
Douglas H. Derr
James E. Smith, Jr.
Ellsworth N. Slater
Richard J. Kilroy
Warren B. Barrett
Mervin J. Portwood, Jr.
Elwood T. Elder
Patrick J. Flynn, Jr.
Dewey E. Sutton
Parker J. Pennington
Charles D. Mills
James K. Beebe
William W. Cloer

The following-named officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–3:

Paul W. Bicking
James M. Johnson
Joseph B. McCarthy
Charles H. Studstill
Robert D. Hedgpeth
Edward F. Magee
Theodore J. Polgar
William L. McVey
Raymond G. Pullen
Glen W. Patterson
Frank R. Adams
Richard L. Luna
Daniel B. Miller
Kenneth H. Kester
Melvin J. Girardin
Max H. Hinkley
David C. Oeschger
Paul K. Wines
Douglas D. Dvorak
Charles B. Branch
Paul A. Roberts
Floyd L. Booren, Jr.
Donald B. Erisman
Jack A. Lang
George A. Rylander III
Ralph Sponar, Jr.
Walter L. Adams
James C. Flowers
Melvin F. Gouthro
John K. Jenkins
Edward A. McGahan, Jr.
Gilbert Aguilar
Lionel F. Crossman
Glenn D. Cecil
Fred H. Fletcher
James B. Gillis
Bemon C. Ray
James A. Shepard
William L. Wathen
Benjamin F. Kennedy
Albert K. Fenne, Jr.
Oliver W. Brannan
Boyd J. Davis
Michael J. Urucinitz
Allen R. Gulau
Belton B. Gray
Joseph E. Correa
James E. Jordan
Chester S. McCreary
Joseph F Croghan
Grady S. Hardison
Lenwood M. Quidley
Carl W. Vetzel
Donald R. Boyd
James D. Doherty
John McCracken
Robert A. Shell
Edward Baker, Jr.
James W. Amos
George R. Rump
James B. Boyd, Jr.
Edward G. Mackey
Charles O. Poellinger
William Aliff
William A. Cobb
Arnold P. Ziemian
William A. Strickland
Paul H. Cogswell
Jack H. Starr
Donald E. Schwarz
Randolph O. Grady
Wayne L. Terpstra
William R. McVey
Eugene W. Jeter, Jr.
Warren G. Gaugh
Glendon F. Pert
Paul J. Balzer
Joseph E. De Costa
Taft C. Pilcher
George L. Kelly
Richard G. Stonehouse
George W. Fenlin
Wade R. Bickel
Bill A. Miller
Philip W. Wiseman
David L. Dawson
Johnnie L. Hair
Theodore A. Thomas
Perry A. Crosson
Ammon C. McDole
Charles B. McSwain
John G. Ryan
Donald J. Husel
James K. Easter
Charles T. Pettitt
Raymond Boyce
David B. Triggs, Jr.
Glenn F. Peterson
Walter C. Parker
Melvin Long
Robert C. Lewetzon
Jack Lee
James A. Knicky
Gale B. Feick
John C. Merino
Joseph E. Tamalonis
Loomis P. Gibson
David "D" Austin
Robert B Lynn
Randol E. Jennings
Paul F Drumgoole
Richard A. Kirkman
Russell E. Grose
William D. Randall
Donald D. Smith
John R. English
Robert J. Ward, Jr.
Matthew J. McCool
William Race
Philip B. Arnold

The following-named officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–2:

Russell Pouncy
Robert W. Baine
Charles H. McLean III
John S. Feagan
George H. Rucker, Jr.
Edmund Katz
Clair H. Upton
Earl E. Smith
Joseph B. Binica
Burl E. Mann
Ernest L. R. Johnson
Ronald W. Syren
John J. Ogurkis
Clarence T. Hayes
Giles "M" Vanderhoof
Dick "L" McPherson
Lyn E. Nicholson
Robert W. Jackson
George M. Miley
Jack W. Gildersleeve
Robert C. Kunst
Horace C. Webb
Casimir Malinovsky
Neil J. Dodge
Clarence L. Warmack
Robert C. Rescola
Frank W. Meligan
Robert C. Collins
Lonnie "K" Johnson
Freddie F. Hooten, Jr.
Rodney L. Harter
Thomas A. Bozeman
Joseph Slotwinski, Jr.
Everette H. Hoins
Richard B. Petersen
Maurice D. Platter
Louis J. Jensen
Victor G. Lane
Clarence M. Pope
Harold T. Cogburn
Frank W. Slaney
William G. Parr
Augusta L. Duncan
Kenneth A. Parking
Frank W. Thompson
Worth H. Hopkins
Edward L. Goodrich
James L. Dorsey
Ralph L. Cote
Thomas E. Stringer, Jr.
Anthony J. Maglione
Walter G. Sears
Dalton M. Sheppard
David R. Cheyne
Robert L. Saunders, Jr.
Clyde R. Hutton
Manual C. Chitwood
Donald T. Nelson
Michael J. O'Donnell
Clarence L. Moulton
Toshio Mitsunaga
Donald E. Darnauer
Paul R. McKenna
Robert G. Sinclair
Lawrence H. Borelis
Artis Copeland
Charles R. Martin
Eugene E. Oleson
Russell V. Gilbert
Nicholas L. Galash
John H. Edwards
John R. Arnold
Alexander J. Kujasky
Edgar B. Mason
Seben Griffin, Jr.
Harland D. Speer
Milford L. Jonas
Jesse A. Moffett
Lynn C. Oliver
Leon R. Cisek
Harvey R. Brown
Malcolm I. Simmons
Lennis L. Getchell
William F. Collier
John R. Manyon
Robert E. Behrens
Amos R. Daniels
Francis A. France
William T. Burnette, Jr.
Raymond A. Hughes, Sr.
Carroll H. Holst, Jr.
Richard T. Lyon
Raymond J. Duplin
Robert B. Jordan
Harold D. Lineweber
Rex F. Wall
Robert J. Jones
Thomas J. Bobrowski
Floyd C. Greenfield
William J. Perkins, Jr.
Kenneth J. Harker
James V. Shilley
Kilby T. Guthrie
Robert O. Backlin
Gary P. Day
Richard T. Shannon
Edward T. Kassick
David M. Donaldson
Lee R. Oliver
David M. Peake
David L. Heinecke
William M. Crumrine
Donald D. Olson
Austin J. Hudson
Thomas C. Calderwood
Dennis E. Coughlin
Samuel L. Clark
Ernest D. McLawhorn
Foy A. Stiewig
Laurence J. Murphy, Jr.
Alvin W. Sumner
William N. Rohrer
Marvin E. Wilmoth
Walter C. Parker
Rohlin D. Anderson
James M. Johnson

DIPLOMATIC SERVICE AND FOREIGN SERVICE

William H. Crook, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Robert F. Wagner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, vice Frank E. McKinney.

IN THE NAVY

Having designated Vice Adm. Waldemar F. A. Wendt, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of admiral while so serving.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 27, 1968:

POSTMASTER

The nomination sent to the Senate on May 16, 1968, of Noah C. Adkins to be postmaster at Jackson in the State of Kentucky.

EXTENSIONS OF REMARKS

FORD R. MORROW: DEDICATED WEST VIRGINIAN

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 27, 1968

Mr. HECHLER of West Virginia. Mr. Speaker, July 1 marks the date of retirement of a man who has done much for West Virginia: Ford R. Morrow, eastern regional public affairs manager for Kaiser Aluminum & Chemical Corp.

Ford Morrow has done wonders for the industrial development of Ravenswood and the mid-Ohio Valley. He was among those chiefly responsible for Kaiser's decision to locate near Ravenswood the company's major Eastern rolling mill which now has 3,400 on the payroll. Ford Morrow was instrumental in persuading other industries to locate near Kaiser's Ravenswood Works.

July 1 is a sad day but also a glad day for those of us fortunate enough to know Ford Morrow. It is a sad day because of his retirement. It is a glad day because he and his lovely wife, Fran, have decided to make Ravenswood their home.

Under unanimous consent I include in the RECORD an article and an editorial from the Ravenswood News on Ford Morrow's retirement. The Ravens-